

## ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 4, 1927, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

THURSDAY, February 3, 1927

The House met at 12 o'clock noon.

The Chaplain, James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, Thy mercy is without measure, and the gates of Thy love are always open. Pity us if we forget Thee. Write Thy law in all our hearts, that it may become a simple rule of conduct and a simple hope of heaven. We bless Thee that we are still in Thy remembrance; do Thou accept our pledge of gratitude. Give encouragement to all who labor and guidance to all who may be in perplexity. May we know with emphasis that truth's errand can not fail and that all good work is immortal. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## REFERENCE OF A BILL

Mr. OLDFIELD. Mr. Speaker, the bill H. R. 16551, amending the Federal highway act, has been referred to the Committee on Rules. I have conferred with the chairman of that committee, and he thinks that it should go to the Committee on Interstate and Foreign Commerce. I have taken the matter up with the gentleman from Illinois [Mr. DENISON], who is chairman of the subcommittee on bridges of that committee—and this bill has to do with bridges—and he is of the same opinion. I ask unanimous consent that this bill be referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the bill will be referred to the Committee on Interstate and Foreign Commerce. There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment House bill and House joint resolution of the following titles:

H. R. 12109. An act to amend section 115b of subchapter 3 of chapter 1 of the District of Columbia Code;

H. R. 12110. An act to amend section 1135, chapter 31, of the District of Columbia Code;

H. R. 13451. An act to increase the pensions of certain maimed veterans who have lost limbs or have been totally disabled in the same line of duty in the military or naval service of the United States, and to amend section 4788 of the Revised Statutes of the United States by increasing the rates therein for artificial limbs;

H. R. 13453. An act to amend the act providing additional aid for the American Printing House for the Blind;

H. R. 13778. An act for the relief of certain citizens of Eagle Pass, Tex.;

H. R. 14250. An act to authorize reimposition and extension of the trust period on lands held for the use and benefit of the Capitan Grande Band of Indians in California;

H. R. 15127. An act for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925;

H. R. 16023. An act relating to the transfusion of blood by members of the Military Establishment;

H. J. Res. 53. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved December 23, 1924;

H. R. 2190. An act for the relief of Agnes W. Wilcox;

H. R. 2094. An act for the relief of Harry J. Dabel;

H. R. 3664. An act to correct the military record of Daniel C. Darroch;

H. R. 5085. An act to remove the charge of desertion from and correct the naval record of Louis Nemeck, otherwise known as Louis Nemeck;

H. R. 5243. An act to promote the mining of potash on the public domain;

H. R. 5486. An act for the relief of Levi Wright;

H. R. 6384. An act to amend the acts of June 7, 1924, and March 3, 1925, granting certain public lands to the city of Phoenix, Ariz.;

H. R. 7563. An act to amend section 4900 of the United States Revised Statutes;

H. R. 7849. An act for the relief of Ella Miller;

H. R. 8784. An act for the relief of Bertha M. Leville;

H. R. 8923. An act for the relief of Sheffield Co., a corporation of Americus, Ga.;

H. R. 9061. An act to authorize Lieut. Commander Lucius C. Dunn, United States Navy, to accept from the King of Denmark a decoration known as a "Knight of the Order of Dannebrog";

H. R. 9268. An act to amend the agricultural credits act of 1923;

H. R. 9433. An act for the relief of Alexander Edward Metz;

H. R. 9919. An act for the relief of Stanton & Jones;

H. R. 10082. An act to permit construction, maintenance, and use of certain pipe lines for petroleum and its products;

H. R. 10424. An act to ratify the action of a local board of sales control in respect of a contract between the United States and Max Hagedorn, of La Grange, Ga.;

H. R. 11139. An act for the relief of Celestina Mateos;

H. R. 11174. An act to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes;

H. R. 11259. An act to reimburse or compensate James E. Parker for money, clothing, and other property misplaced or appropriated by United States authorities during the World War;

H. R. 11586. An act for the relief of Fannie B. Armstrong; and

H. R. 12952. An act to authorize the village of Decatur, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa.

The message also announced that the Senate had passed, with amendments, House bills of the following titles, in which the concurrence of the House is requested:

H. R. 4502. An act declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable, and providing penalty;

H. R. 10728. An act authorizing the Secretary of War to convey to the Association Siervas de Maria, San Juan, P. R., certain property in the city of San Juan, P. R.;

H. R. 10900. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding \$30,000, for the purpose of improving the town's waterworks system;

H. R. 11843. An act to authorize the incorporated town of Fairbanks, Alaska, to issue bonds for the purchasing, construction, and maintenance of an electric light and power plant, telephone system, pumping station, and repairs to the water front, and for other purposes; and

H. R. 15547. An act to authorize appropriations for construction at military posts, and for other purposes.

The message also announced that the Senate had passed Senate bills and Senate joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 109. An act for the relief of the owner of Dry Dock No. 6;

S. 190. An act for the relief of Samuel S. Archer;

S. 504. An act for the relief of Anna Faceina;

S. 976. An act for the relief of George B. Booker Co.;

S. 1042. An act to amend the Penal Code;

S. 1261. An act for the relief of William H. Grayson;

S. 1483. An act to amend section 50½ and section 70 of the Articles of War;

S. 1743. An act for the relief of Albert Wood;

S. 1899. An act for the relief of Delaware River Towing Line;

S. 2081. An act placing certain noncommissioned officers in the first grade;

S. 2144. An act for the relief of Tampico Marine Iron Works;

S. 2700. An act to amend the naval record of Frank H. Wilson, alias Henry Wencel;

S. 2770. An act to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto;

S. 2899. An act for the relief of the owner of the American steamship *Almirante* and owners of cargo laden aboard thereof at the time of her collision with the U. S. S. *Hisko*;

S. 3574. An act to provide for the deportation of certain alien seamen, and for other purposes;

S. 4691. An act to further amend section 90 of the national defense act of June 3, 1916, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

S. 4692. An act to amend the act approved June 1, 1926 (Public. No. 318, 69th Cong.), authorizing the Secretary of

War to exchange deteriorated and unserviceable ammunition and components, and for other purposes;

S. 4694. An act to amend section 47-d, national defense act;

S. 4711. An act to change the time of holding court at Jackson and at Memphis, Tenn.;

S. 4727. An act to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE., in the District of Columbia;

S. 4746. An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton;

S. 4812. An act amending the statutes of the United States as to procedure in the Patent Office and in the courts with regard to the granting of letters-patent for inventions and with regard to interfering patents;

S. 4820. An act authorizing certain officers and enlisted men of the United States Navy to accept foreign decorations;

S. 4863. An act authorizing the adjustment of the boundaries of the Arapahoe National Forest, and for other purposes;

S. 4893. An act to authorize oil and gas-mining leases upon unallotted lands within Executive-order Indian reservations;

S. J. Res. 69. Senate joint resolution granting permission to Thomas P. Magruder, rear admiral, United States Navy, and Lyman A. Cotten, captain, United States Navy, to accept certain decorations bestowed upon them by the King of Italy;

S. J. Res. 112. Senate joint resolution for the relief of Katherine Imbrie;

S. J. Res. 131. Senate joint resolution authorizing the making of surveys, plans, and estimates for the irrigation of certain lands in the State of Wyoming, under terms of the Colorado River compact, and for other purposes;

S. 3614. An act authorizing an appropriation for the construction of a hard-surfaced road across Fort Sill (Okla.) Military Reservation;

S. 3624. An act authorizing the Secretary of War to obtain by reciprocal loan, sale, or exchange with foreign nations, in such quantities as are required for exhibition and study, articles of military arms, matériel, equipment, and clothing;

S. 3634. An act providing for the preparation of a biennial index to State legislation;

S. 3774. An act to permit meetings of societies, benevolent, educational, etc., organized under the laws of the District of Columbia, to be held outside of said District;

S. 3954. An act for the relief of Lewis C. Hopkins & Co.;

S. 4027. An act to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers, at Marion, Ind.;

S. 4316. An act to amend the act entitled "An act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service," approved October 6, 1917;

S. 4405. An act for the relief of Farrah Dane Richardson;

S. 4622. An act to authorize certain officers of the United States Navy and civilian employees of the Navy Department to accept certain medals tendered them by the Republic of China, and to authorize Capt. Walter S. Crosley, United States Navy, to accept a medal of honor and merit and a diploma tendered him by the Republic of Haiti;

S. 3784. An act for the relief of the owner of barge *Consolidation Coastwise No. 10*;

S. 4182. An act to provide a code of law governing legal reserve life insurance business in the District of Columbia, and for other purposes;

S. 4909. An act authorizing the Secretary of Agriculture to take a census of baled cotton, known as the "carry over," on hand on August 1, 1927, and to make and publish a report thereof;

S. 4933. An act authorizing an appropriation for public highways in the island of St. Thomas, Virgin Islands;

S. 4943. An act for the relief of George H. Cecil;

S. 4957. An act to amend section 129 of the Judicial Code, allowing an appeal in a patent suit from a decree which is final except for the ordering of an accounting;

S. 4967. An act authorizing William F. Notz to accept a decoration from the King of Rumania;

S. 5059. An act for the further protection of fish in the District of Columbia, and for other purposes;

S. 5084. An act to provide for the payment of the amount of an adjusted-service certificate to Irving D'Forrest Parks, beneficiary designated by Corp. Steve McNeil Parks, deceased; and

S. 5266. An act to prohibit the sale of black bass in the District of Columbia.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of

the Union for the further consideration of the bill (H. R. 16800) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. CHINDSLOM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on Tuesday last, when the bill was last under consideration, there was pending an amendment offered by the gentleman from Maryland [Mr. ZIEHLMAN] which, without objection, the Clerk will again report.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON (interrupting the count). Mr. Chairman, I withdraw the point.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Maryland [Mr. ZIEHLMAN].

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. FUNK] and the gentleman from Maryland [Mr. ZIEHLMAN] each have five minutes to inform the membership about this proposition.

The CHAIRMAN. Without objection, the Clerk will again report the amendment for the information of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. ZIEHLMAN: Page 19, after line 25, insert a new paragraph, as follows:

"Northwest: Sixteenth Street between Kalma Road and the District line, grading, \$22,000."

Mr. BLANTON. Mr. Chairman, I renew my request.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Illinois [Mr. FUNK] and the gentleman from Maryland [Mr. ZIEHLMAN] have five minutes for the purpose of discussing the amendment. Is there objection?

Mr. TYDINGS. Mr. Chairman, reserving the right to object, I have no objection to the request if I am included in it so that I may have five minutes.

Mr. BLANTON. Then I shall reframe my request, that the five minutes to the proponents of the amendment be divided between the two distinguished gentlemen from Maryland, one of whom is soon to enter the Senate.

Mr. TYDINGS. I still object, Mr. Chairman, because I can not discuss the matter in 2 minutes and 30 seconds. If the gentleman wants to give me five minutes to present the Maryland side, very well.

The CHAIRMAN. Objection is heard.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. FUNK] may have five minutes in which to present his opposition to this very insalutary proposition, which the committee is against.

The CHAIRMAN. A request for unanimous consent should not contain argument. The gentleman from Texas asks unanimous consent that the gentleman from Illinois may have five minutes in which to discuss the proposed amendment. Is there objection?

Mr. TYDINGS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The question is on the amendment offered by the gentleman from Maryland [Mr. ZIEHLMAN].

The question was taken; and on a division (demanded by Mr. ZIEHLMAN) there were—ayes 72, noes 25.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. GRIFFIN (interrupting the reading when the Clerk had finished reading line 15, page 20). Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Clerk has not yet completed the reading of the paragraph. The Clerk has read down to the end of line 15, which ends with a colon.

The Clerk continued to read.

Mr. GAMBRILL (interrupting the reading when the Clerk had concluded the reading of line 25, page 20). Mr. Chairman, I have an amendment which I desire to offer.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Clerk has not yet concluded the reading of the paragraph.

Mr. GRIFFIN. Mr. Chairman, I call the attention of the Chair to the fact that these items on page 20, following line 15, are specific appropriations, which, I take it, may be amended by either raising or lowering the amount.

The CHAIRMAN. They can be amended separately after the entire paragraph has been read.

Mr. GRIFFIN. If that is the ruling of the Chair, I submit, of course.

The CHAIRMAN. The Chair is of opinion that it is all one paragraph.

Mr. LINTHICUM. Then that will end on line 22, page 26?

The CHAIRMAN. It will end with a period. The Clerk will read.

The Clerk concluded the reading of the paragraph, which is as follows:

GASOLINE TAX ROAD AND STREET FUND

For paving, repaving, grading, and otherwise improving streets, avenues, suburban roads and suburban streets, respectively, including personal services and the maintenance of motor vehicles used in this work, as follows, to be paid from the special fund created by section 1 of the act entitled "An act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes," approved April 23, 1924, and accretions by repayment of assessments:

For repaving and resurfacing sheet asphalt and asphalt block pavements over 30 years old, \$450,000;

For paving, repaving, and surfacing, including curbing and gutters where necessary, the following:

Northwest: Alaska Avenue, Sixteenth Street to Georgia Avenue, \$68,000;

Northeast: Twelfth Street, Rhode Island Avenue to Monroe Street, \$62,000;

Southeast: Nichols Avenue, Fourth Street to Upsal Street, \$16,000;

Northwest: D Street, Twenty-first Street to Twenty-third Street, \$13,000;

Southeast: Twelfth Street, E Street to Water Street, \$3,600;

Northeast: E Street, Thirteenth Street to Fifteenth Street, \$16,000;

Southeast: Massachusetts Avenue, Sixteenth Street to Eighteenth Street, \$18,000;

Northeast: West Virginia Avenue, Eighth Street to Florida Avenue, \$13,000;

Northeast: Fourteenth Place, North Carolina Avenue to D Street, \$9,000;

Southeast: A Street, Eighteenth Street to Nineteenth Street, \$7,000;

Southeast: Admiral Barney Circle, Kentucky Avenue to Seventeenth Street, \$3,100;

Southeast: D Street, Twelfth Street to Fourteenth Street, \$16,200;

Southeast: H Street, Sixteenth Street to Seventeenth Street, \$6,000;

Southeast: Ives Place, Fourteenth Street to Fifteenth Street, \$5,000;

Southeast: Sixteenth Street, Massachusetts Avenue to E Street, \$18,200;

Southeast: Seventeenth Street, A Street to E Street, \$30,800;

Southeast: S Street, Nichols Avenue to Sixteenth Street, \$15,200;

Northwest: Farragut Street, Fifth Street to Illinois Avenue, \$12,906;

Northwest: Piney Branch Road, Van Buren Street to Butternut Street, \$30,000;

Northwest: Van Buren Street, Georgia Avenue to Piney Branch Road, \$6,000;

Northwest: Laurel Street, Eastern Avenue to Second Street, \$5,000;

Northwest: Second Street, Laurel Street to Van Buren Street, \$13,000;

Northwest: Van Buren Street, Second Street to Viaduct, \$8,400;

Northwest: R Street, Thirty-fifth Street to Thirty-seventh Street, \$15,000;

Northwest: Thirty-sixth Street, Reservoir Road to T Street, \$13,000;

Northwest: Argonne Place, Harvard Street to Lanier Place, \$7,000;

Northwest: Decatur Street, Sixteenth Street to Blagden Avenue, \$10,000;

Northwest: Upsal Street, Sixteenth Street to Arkansas Avenue, \$8,500;

Northwest: Fifth Street, Decatur Street to Emerson Street, \$8,000;

Northwest: First Street, Whittier Street to Van Buren Street, \$6,000;

Northwest: Crittenden Street, Sixteenth Street to Seventeenth Street, \$8,000;

Northwest: Ogden Street, Fourteenth Street to Spring Place, \$17,300;

Northwest: S Street, Thirty-fifth Street to Thirty-sixth Street, \$6,000;

Northwest: Klinge Street, Forty-fifth Street to Forty-sixth Street, \$8,300;

Northwest: Gallatin Street, Piney Branch Road to Sixteenth Street, \$7,600;

Northwest: Fourth Street, Butternut Street to Cedar Street, \$7,600;

Northeast: Newton Street, Eighteenth Street to Twentieth Street, \$18,000;

Northwest: Cleveland Avenue, Twenty-ninth Street to Thirty-third Place, \$50,000;

Northwest: Forty-second Street, Garrison Street to Jenifer Street, \$17,200;

Northeast: Twenty-second Street, Otis Street to Quincy Street, \$11,500;

Northeast: Otis Street, Rhode Island Avenue to Thirtieth Place, \$9,200;

Northwest: Sheridan Street, Blair Road to Fifth Street, \$28,000;

For grading, including necessary culverts, drains, and retaining walls, the following:

Northwest: Audubon Terrace, Linnean Avenue to Broad Branch Road, \$15,000;

Northwest: For widening the west roadway of Connecticut Avenue from M Street to Dupont Circle by 15 feet and the east roadway of the same avenue from Eighteenth Street to Dupont Circle by 15 feet, including the necessary relocation and readjustment of the statue occupying United States reservation 150-A, \$63,000;

Northwest: For widening to 80 feet and repaving the roadway of Connecticut Avenue, from Dupont Circle to Florida Avenue, including the replacement of defective sewer and such alteration as may be necessary to the public park at the intersection of Connecticut and Florida Avenues and S Street, \$90,000;

Northwest: For widening to 48 feet and repaving the roadway of Twelfth Street from E Street to Pennsylvania Avenue, \$10,000;

Northwest: For widening to 70 feet and repaving the roadway of Thirtieth Street, I Street to Massachusetts Avenue, \$70,000;

Northwest: For widening to 60 feet and repaving the roadway of Fifteenth Street, west of McPherson Square, from I Street to K Street; and for widening to 70 feet and repaving the roadway of this street from K Street to Massachusetts Avenue, \$95,000;

In the widening and repaving of roadways hereinbefore provided for, 40 per cent of the entire cost thereof in each case shall be assessed against and collected from the owners of abutting property in the manner provided in the act approved July 1, 1914 (38 Stat. p. 524), as amended by section 8 of the act approved September 1, 1916 (39 Stat. p. 716). The owners of abutting property also shall be required to modify, at their own expense, the roofs of any vaults that may be under the sidewalk or parking on said street if it be found necessary to change such vaults to permit of the roadway being widened;

For minor changes in roadway and sidewalks on plans to be approved by the Commissioners of the District of Columbia to facilitate vehicular and pedestrian traffic, \$10,000;

For construction of curbs and gutters and adjustment of roadways thereto, \$23,400;

The appropriation for paving Thirty-fourth Street, Massachusetts Avenue to Cleveland Avenue, contained in the District of Columbia appropriation act for the fiscal year 1926 is hereby made available for the purpose of paving 40 feet wide that portion of the roadway of Thirty-fourth Street between Massachusetts Avenue and Garfield Street;

In all, \$1,478,600; to be disbursed and accounted for as "Gasoline tax, road and street improvements," and for that purpose shall constitute one fund and be available immediately: *Provided*, That no part of such fund shall be used for the improvement of any street or section thereof not herein specified: *Provided further*, That assessments in accordance with existing law shall be made for paving and repaving roadways where such roadways are paved or repaved with funds derived from the collection of the tax on motor-vehicle fuels and accretions by repayment of assessments: *Provided further*, That in the performance of the street-paving work specifically provided for in this act priority shall be given to those streets which are more in the nature of through thoroughfares or arterial highways.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last two words. I do not propose to offer an amendment to add any street item to this bill, but I think it only proper to express my opinion that the southeast section, the Anacostia section of the District of Columbia, has been woefully neglected. There were several items submitted in the Budget which were eliminated by our committee by a majority vote, and while I shall not attempt to restore them, I want to make an observation on the conditions over there. That part of the District has a population of 30,000 people. It has an assessed valuation of \$15,500,000, an increase of \$6,000,000 in six years, and I think that since they pay their taxes, however humble their homes may be, they are entitled to some consideration. For instance, the paving of Minnesota Avenue was stricken from the bill. Likewise, the paving of Suitland Road, but on that, I understand, the gentleman from Maryland [Mr. GAMBRILL] will offer an amendment. On the other hand, there was not in the Budget a very important provision that should have been included; that is the paving of Anacostia Road. I was very much impressed by the statement of Mr. George James, president of the Benning's Citizens' Association, and the Rev. W. E. Balderson. They said this road for a stretch of a mile and a half, from

Twining City to Bennings, was used as a police and fire run, and stated to the committee that in presenting their proposition to Mr. Hunt he admitted that if he knew that that section was policed by the eleventh precinct or that it was a fire run he would have submitted the proposition to the Budget. The committee asked the question whether there was frequent need of this road for fire engines from Bennings into Anacostia, but the witnesses were unable to answer definitely. I made inquiry and got this response:

Mr. FUNK. Mr. Chairman, I wish to make a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from New York yield for a parliamentary inquiry?

Mr. GRIFFIN. I yield; but I hope it will not be taken out of my time.

Mr. FUNK. I have no disposition to interrupt the gentleman; but if he will speak to his amendment, or, rather, offer his amendment, I will offer no objection or raise no point of order; but he has offered an amendment simply striking out the last two words, and now he is going over the entire work of the committee which has nothing to do with the specific amendment. If he will offer an amendment on some of the topics he is now discussing, I will not object, but I submit it is hardly fair—

The CHAIRMAN. It is a pro forma amendment to strike out the words "arterial highways," and the gentleman might be considered as discussing "highways" in a broad sense.

Mr. GRIFFIN. All I wanted to say, Mr. Chairman, was that it appears from the hearings that there is a necessity for paving improvement on Anacostia Road, from Twining City to Benning, and I want to make clear on the record from this letter of George S. Watson, Chief Engineer, that it was used as a fire run. He says:

WASHINGTON, January 27, 1927.

TO SUPERINTENDENT OF WATER DEPARTMENT,

District of Columbia:

In compliance with your verbal request of this date, I have to advise you that apparatus of this department used Anacostia Road between Benning Road and Pennsylvania Avenue 76 times during the calendar year 1926. All of these occasions were incident to response to alarms.

GEO. S. WATSON.

I withdraw the pro forma amendment.

The CHAIRMAN. The Chair will say that the statement he made a moment ago in response to the parliamentary inquiry was perhaps a little broad, but the gentleman from New York was privileged to discuss the question whether the word "arterial highways" should be stricken out of the bill or not. However, the gentleman has now concluded his remarks.

Mr. GAMBRILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GAMBRILL. Page 20, after line 25, insert a new paragraph as follows:

"Southeast: Thirty-eighth Street, Alabama Avenue to Cleveland Road, and Cleveland Road, Thirty-eighth Street to the District line, \$13,200."

Mr. GAMBRILL. Mr. Chairman, I have been a Member of this body long enough to observe and understand the difficulty of a Member attempting on the floor of the House to secure an amendment to an appropriation bill which has not been submitted and approved by the powerful Committee on Appropriations. I know the difficulty in going contrary to the opinion of that powerful committee.

Therefore I appeal for the sympathetic understanding of the chairman of that subcommittee and the members of the Committee on Appropriations. I hope the chairman of the Committee on Appropriations for the District of Columbia and the members of that committee will accept my amendment, which provides for the surfacing and grading of Thirty-eighth Street and Alabama Avenue from the extension of Pennsylvania Avenue down to the Maryland line, four-tenths of a mile, at a cost of \$13,200, where that road will connect with the improved highway leading to Suitland in Prince Georges County, Md., it being 2½ miles from the District line.

Several years ago the State Road Commission of Maryland, supported by the contributions of the public-spirited citizens of Suitland, built about one-half mile of road leading to Suitland. Last year the State commission built another mile, and this year it expects to build still another mile, which will bring that concrete road to Suitland. All this was done by the Maryland authorities in contemplation of the road from the District line to Pennsylvania Avenue being graded and surfaced with asphalt or concrete.

Now, this proposition had the indorsement of the highway engineer of the District of Columbia. It was approved by the

Commissioners of the District. It was sanctioned by the Budget, and came before the Subcommittee on the District of Columbia considering this appropriation bill as one of the road projects indorsed by the Commissioners of the District of Columbia. And yet for some reason, I think largely due to a misunderstanding on the part of the members of that committee, this particular item was stricken out of the appropriation bill.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. SIMMONS. How large a community is Suitland?

Mr. GAMBRILL. It has a population of about 500. It is one of the most extensive and intensive agricultural and trucking sections in the vicinity of Washington.

Mr. SIMMONS. This road does not lead beyond Suitland?

Mr. GAMBRILL. It leads beyond Suitland, but the road has not been improved beyond Suitland, and will probably not be for some years.

Mr. SIMMONS. The highway is now a gravel highway, is it not?

Mr. GAMBRILL. Gravel, dirt, and sand. I am asking that this road be improved so that the people using it may drive over an improved highway into the city of Washington. It seems to me that it is necessary for the District authorities to coordinate their work with that of the State authorities of Maryland and connect up these roads in a practical way wherever that work is reasonable; and as to the reasonableness of this you have the fact that this project was indorsed by the highway engineer, was approved by the District Commissioners, and was approved by the Bureau of the Budget. I hope this amendment will pass. [Applause.]

Mr. FUNK. Mr. Chairman, there is no misunderstanding in the minds of the subcommittee as to the desirability of this project. I will try to explain very briefly our opposition to it.

In the first place, we have the responsibility of spending a good many millions of dollars, and this committee has accepted that responsibility and has given their best energy and their time and best thought to the preparation of a bill that is practical and economical, and that will spend the money of the taxpayers and of the District of Columbia and of the Nation to the best advantage.

Here are the facts, gentlemen: There are, of course, obviously many more requests for improvements and for the expenditure of money on roads than can possibly be financed in any one bill for any one year, and so we have adopted the rule that at least three-fourths of the frontage of any proposed street improvement must be improved with dwelling houses or store buildings. If I may have the attention of the gentleman from Maryland, I will ask him if there is one house or one store upon this entire stretch of land? Of course there is not. He can not answer truthfully and say there is. There is not a house or store on that stretch. On the day your committee viewed this road there was no frost in the ground, and therefore the road conditions were in the worst possible shape of any time this winter, and I want to say to you, gentlemen, that this stretch of road was the best gravel road of all among the many I saw in the seven days during which I inspected the roads of the District of Columbia. It is a fine road, and just as level and smooth as the floor of this House.

There is no argument except a personal one why \$13,200 should be expended on a road that leads to a community of 500 people. If you are going to spend this money judiciously and economically you should have some business rules to go by. If it is going to be a personal matter to accommodate some Member, we might just as well know that that is going to be the basis for the expenditure of the people's money.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FUNK. I yield.

Mr. GARRETT of Tennessee. Did the gentleman from Maryland [Mr. GAMBRILL] correctly state the history of this matter; that is, that it has received the approval of the District Commissioners and the sanction of the Budget?

Mr. FUNK. I know it received the sanction of the Budget, because it was included in the items submitted by the Budget. But if we are going to be a rubber stamp and O. K. every item of expenditure that is submitted by the Budget, then we might as well cease functioning as an appropriating committee and as a House of Congress and let the Director of the Budget determine what is to be done.

Mr. GARRETT of Tennessee. It was said in direct answer to the statement of the gentleman from Illinois that there should be a consistent plan in connection with street items.

Mr. FUNK. Yes. We are trying to confine ourselves to a consistent plan in connection with street items.

Mr. GARRETT of Tennessee. If that has received the indorsement of the authorities of the District, including the

engineer commissioner having charge of the streets, it seems to me that it either does fit in with a consistent plan or else the commissioners are at fault in making the recommendation.

Mr. FUNK. I do not know what Engineer Bell, the engineer commissioner, thinks, but I know what Mr. C. B. Hunt, the District highway engineer, thinks, because I rode with him in the automobile when we inspected this road, and he said it should not be appropriated for; and that is the highway man of the District government.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Illinois may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. FUNK. This is a small item, gentlemen, and I hesitate to take the time of this House at this time, but we have tried to present a bill that was businesslike, that was built upon sensible lines, and this item, in my judgment and in the judgment of a majority of your subcommittee, is not a desirable item at this time.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. FUNK. Yes.

Mr. HILL of Maryland. I would like to ask the chairman of the subcommittee if this item does not come squarely under the provision found on page 26 of the bill.

That in the performance of the street-paving work specifically provided for in this act priority shall be given to those streets which are more in the nature of through thoroughfares or arterial highways.

Mr. FUNK. Well, if you consider a thoroughfare to be a road that leads to a community several miles in Maryland, with only 500 inhabitants, I would say yes, but my basis for judging whether a road is an arterial highway or not is not based upon whether it leads to a community of 500.

Mr. HILL of Maryland. Did not the Budget and did not the engineer commissioner ask to have this road improved?

Mr. FUNK. I have answered the gentleman from Tennessee as to that and said it was submitted in the Budget and I have also added to that answer that if we are going to be a rubber stamp and simply follow the recommendations of the Budget there is no use of having an appropriating committee and no use of having Congress, but we should let the Director of the Budget handle all these things. It is a part of our duty and responsibility to inspect these roads and if in the judgment of the committee that is assigned to that duty a road should not be built or improved I submit the House should support the committee, after it has spent days and weeks upon these propositions and submitted a bill which includes what is their best judgment as to how the money shall be expended.

Mr. HILL of Maryland. The gentleman says this is a very small item in the bill?

Mr. FUNK. It is a small item.

Mr. HILL of Maryland. But it is a very important item as a part of your arterial system.

Mr. FUNK. It is an important item to 500 people in Maryland, and we are asked to build a road for that purpose. It is on all fours with the amendment which was just passed over the recommendation of this subcommittee, namely, to open up Sixteenth Street for a real-estate development by people in your State who have not brought their roads up to the District line and who want the District taxpayers to build a road out to the District line and then maybe some day and somehow they will bring their roads up to the roads that have been paid for by the District taxpayers.

Mr. HILL of Maryland. I am sorry the gentleman has not had sufficient experience—

Mr. FUNK. I have had six years' experience.

Mr. HILL of Maryland (continuing). To know that the Maryland roads are infinitely better than the lateral roads in the District.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Does the gentleman desire to discuss the pending amendment?

Mr. LINTHICUM. I want to speak on roads generally, and I ask unanimous consent to address the House for five minutes on this amendment.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to speak out of order for five minutes. Is there objection?

Mr. LINTHICUM. On this amendment.

Mr. HUDSON. Mr. Chairman, reserving the right to object, I just want to call the gentleman's attention to the fact that on the floor of the House yesterday he said he would object to any Member who did that.

Mr. LINTHICUM. No; I am not asking for an extension of remarks. The gentleman misunderstood me.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, this amendment carries the small amount of \$13,200. Alabama Road and Thirty-eighth Street leads to this development of 500 people at Suitland, and will be of advantage not alone to the people of Suitland but it will be to the great advantage of the people of Washington who serve those people at Suitland.

Yesterday we voted \$750,000 to build a road in Alaska which would reach a settlement of 250 people. There was some question as to whether there were 200 or 250, but nevertheless we voted \$750,000 to reach that little settlement of 200 people in the northwest of Alaska, of which sum the National Government must pay \$600,000 and the Territory of Alaska \$150,000. Now, to-day we are asking you to improve a road which will connect Pennsylvania Avenue with a concrete road in Maryland. We are asking you to improve a dirt and gravel road from the terminus of Pennsylvania Avenue, which is a splendidly paved avenue, for a distance on Alabama Avenue and Thirty-eighth Street, that distance being four-tenths of a mile. If this improvement is made, then the people of Washington will have a solidly paved thoroughfare from Pennsylvania Avenue to Suitland and vice versa.

Maryland is acting perfectly fair in these matters. She is spending this year some \$10,000,000 for roads and is bringing her splendid highways right to the doors of Washington. Within the last three weeks Maryland has opened what is known as the defense highway, which leads from Washington to Annapolis and the Naval Academy. Maryland is trying in every way possible to cooperate with the District of Columbia in the matter of roads, and, as I say, this year Maryland is spending a vast sum on highways which are of advantage to the people of Washington as much as to the people of Maryland. Yesterday in voting \$750,000 for the road in Alaska the National Government obligated itself to pay \$600,000.

This amendment, mark you, provides for \$13,200 and is approved by the District engineer commissioner and the other commissioners of Washington who constitute the local government of Washington and is approved by the Budget Bureau of the United States. It is payable from the million dollars set aside from the gasoline tax for street maintenance and construction. This tax is almost entirely paid by automobile owners. The National Government pays the government of the city of Washington a lump sum of \$9,000,000. All above that lump sum Washingtonians pay, and the Washingtonians are represented by the District Commissioners of Washington. The commissioners representing the local government of Washington, which pays this money, ask you to appropriate \$13,200 to connect up this highway. It does seem to me that if the District of Columbia government asks you to do a thing which they are going to pay for and which does not come out of the National Treasury, there should not be any objection to it.

In Maryland we intend to keep on cooperating with Washington in the building of highways. We intend to give you one of the most extensive and comprehensive highway systems in the United States. We have not only constructed all of the thoroughfares leading from Washington, but we propose to give you lateral roads which will carry you almost anywhere in the State, so that you can visit your friends and enjoy the beautiful scenery of our great Commonwealth. For this reason, gentlemen of the committee, I am asking you to appropriate this meager sum of \$13,200 to connect up a Maryland concrete highway with Pennsylvania Avenue, which is a paved street.

I do not know whether all of you know where this road is located. When you go out Pennsylvania Avenue SE. at the top of the hill, you turn to your left to go to Marlborough and on to Annapolis; if you turn to your right, you go to Suitland. The amendment refers to that little stretch of four-tenths of a mile which connects with the road to Suitland. I sincerely hope the committee will adopt the amendment.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I take the floor not so much to talk about this project per se, because I know very little of it, but to ask a question or two, if I may, of some of the members of the committee.

I remember that two or three years ago, in order to meet the suggestions of the State of Maryland relative to reciprocal

courtesies in the matter of the use of license tags on cars, we passed an act putting a tax on gasoline equal to the tax which was then being imposed by the State of Maryland, as I now remember it. I recall that I opposed the proposition at the time, taking the position that this was laying a tax on the people of the District of Columbia and those who bought gasoline in the District that was wholly unnecessary from the revenue standpoint; and that it was not just for that sort of a condition to be imposed in order to bring about reciprocal relations as to license tags between the District and the State. But I did assume, when the measure passed, that probably it might increase street improvements somewhat in the District.

What I now desire to inquire is whether the gentleman from Illinois, the chairman of the subcommittee, happens to know how much revenues have been derived here in the District from this gasoline tax alone.

Mr. FUNK. I could not say accurately off hand, but I will say to the gentleman from Tennessee, as I recall, there will be available for the fiscal year 1928 about \$1,300,000.

Mr. GARRETT of Tennessee. Does this money go into the general revenues or is it set aside for a specific purpose?

Mr. FUNK. I will say to the gentleman that the hearings, on page 259, show the collections in 1925 to have been \$778,651.63; 1926, \$941,939.39; 1927, \$1,000,000; and estimated for 1928, \$1,050,000.

Mr. LINTHICUM. Will the gentleman yield?

Mr. ZIHLMAN. I may say to the gentleman that the money covered by this amendment comes directly out of this fund.

Mr. FUNK. The gentleman from Tennessee asked me a question and I would like to complete my answer. This money from the tax of 2 cents a gallon gasoline is set aside as a special fund and is appropriated for street improvement.

Mr. GARRETT of Tennessee. I was anxious to get the information because it had been my impression it went into the general revenues.

Mr. FUNK. It is commingled with the other revenues, but the expenditures of it is in the improvement of the streets. We have in mind very distinctly the amount that is available from the 2 cents per gallon gasoline tax, and if the gentleman will permit me, I will say that we try to expend it upon the main arteries of travel in the city of Washington so that those who pay this 2 cents a gallon will recognize they are getting some benefit from the tax, which at the beginning was objected to, but to which I think there is very little objection now.

I will say further to the gentleman, if he will permit, in expending this money from the gasoline tax we try to put it upon the arteries of travel in the city of Washington which have the greatest traffic and the greatest use, and this is one reason I am against this particular item of \$13,200. The road leads nowhere except to a community of 500 people, and very few of the gasoline-tax payers of this city would get any benefit whatever from the expenditure of this \$13,200.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. LINTHICUM. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. LINTHICUM. I want to say to the gentleman that as the bill was reported to the House with respect to the gasoline tax the revenues went into the general funds, but it was amended on the floor of the House, and the amendment provided that the revenues should be used specifically for street improvements and street construction or road construction.

Mr. GARRETT of Tennessee. I thank the gentleman for the information.

Mr. ZIHLMAN. Will the gentleman yield further?

Mr. GARRETT of Tennessee. Certainly.

Mr. ZIHLMAN. I would like to call attention to the fact that if this amendment is adopted this \$13,200 will be paid directly out of the receipts from the gasoline tax under the provisions of this bill.

Mr. SIMMONS. Mr. Chairman, I think before we vote we ought to have a little better understanding of this situation. A lot has been said about Alaska. My understanding is that the community in Alaska which we are trying to develop has no connection with the outside world. Here in Maryland is a community that the District has furnished with a graveled highway.

We were over this road immediately following a rainstorm. It is a dry road, well built, and it was one of the best graveled roads in the District of Columbia the day the committee was on it following a large precipitation of rain.

Now, here we are; they say, of course, the District of Columbia will pay this. They can not help it unless somebody defends the taxpayers of the District. The Federal Government, it is true, is contributing \$9,000,000, but it makes no difference to the Federal Government. What you are increasing is the tax load of the residents of the District of Columbia. Last year you came in here and insisted that the District should educate the pupils that come from Maryland and Virginia in the schools, and you were successful in making the District educate 4,000 pupils for whom the people of Maryland and Virginia pay not one red cent of the cost. Now you are back asking the District to build you a paved road in the District of Columbia for the benefit of the Maryland people at the expense of the District taxpayers.

Mr. ZIHLMAN. Do not the residents of the District use the 2,000 miles of Maryland roads. You can not move hardly on a Maryland road because it is so congested with District cars.

Mr. SIMMONS. Yes; but here the people of Maryland are asking the District to build a paved road for the benefit of the people of Maryland. This road will not do the people of the District a nickel's worth of good.

Mr. LINTHICUM. Does not the gentleman realize that out of the million dollars that the District collects in gasoline tax the people of Maryland pay a large proportion of it in the gasoline they buy here?

Mr. SIMMONS. And the people of the District of Columbia buy gasoline in Maryland also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. GAMBRILL].

The question was taken; and there were on a division (demanded by Mr. FUNK)—ayes 85, noes 71.

Mr. FUNK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. FUNK and Mr. GAMBRILL.

The committee again divided, and the tellers reported that there were 100 ayes and 71 noes.

So the amendment was agreed to.

Mr. COLLINS. Mr. Chairman, I offer the following amendment:

Page 24, after line 6, insert the following: "For resurfacing granite block roadway on the south approach of the Highway Bridge within the limits of the jurisdiction of the Commissioners of the District of Columbia, \$15,000."

Mr. FUNK. Mr. Chairman, the committee will accept the provisions of that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Condemnation: For purchase or condemnation of streets, roads, and alleys, and for the condemnation of small park areas at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the commissioners, \$5,000.

Mr. GIBSON. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 27, line 5, after the figures "\$5,000," insert "the appropriation. 'Small parks,' District of Columbia, 1927, is continued available until June 30, 1928."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

#### TREES AND PARKINGS

For contingent expenses, including laborers, trimmers, nurserymen, repairmen, teamsters, hire of carts, wagons, or motor trucks, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees on city and suburban streets, care of trees, tree spaces, purchase and maintenance of nonpassenger-carrying motor vehicles, and miscellaneous items, \$90,000.

Mr. COYLE. Mr. Chairman, I move to strike out the last word, in order to call attention to an existing condition under the item "Trees and parkings," which, if it were not at times serious, would be almost laughable. I happen to be, for the moment, a taxpayer in the District of Columbia who has been endeavoring to get a couple of trees planted in front of his house. I find this condition exists: The gentleman from Mississippi [Mr. COLLINS] the other day called attention to the cost of removing a tree, which was some \$200 and odd. In this case the officer in charge of the department of parks and trees wants not \$200 from Congress in order to plant two trees, but an additional appropriation of about \$15,000 for the purpose

of getting two trees in front, perhaps, of my house or some other house.

In view of the fact that the people of the District of Columbia do pay for the trees, and that trees have been the glory of Washington for many generations, it does seem that it might be advisable for the legislative committee to lend its attention to the existing facts and see if they could not make it possible for the property owner whose trees had been removed by the department of trees and parking to take such steps that he would at least be allowed to pay for the trees and the planting of them in order to have it done under the supervision of the District department. I think it would not be entirely out of order to suggest that until they can cooperate in some small measure with Members who do happen also to be taxpayers, that the appropriation, instead of being increased, really might be very well reduced.

I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Public schools.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. In view of the fact that we are about to reach the public-school item, I make the point of order that there is no quorum present, so that we may have a quorum here during the discussion of that item.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. GRIFFIN. Mr. Chairman, in view of the fact that we have a quorum here, I appeal to the Members who have been brought into the Chamber to stay here for the discussion of this public-school question. There is an amendment to be offered in a few moments to increase the appropriation for school-teachers, and I hope the Members will stay for the discussion.

The Clerk read as follows:

#### TEACHERS

Salaries: For personal services of teachers and librarians in accordance with the act approved June 4, 1924, \$5,662,640.

Mr. GRIFFIN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 37, line 12, strike out the figures "\$5,662,640" and insert in lieu thereof the figures "\$5,783,740."

Mr. GRIFFIN. Mr. Chairman, we had a rather extended discussion on Tuesday last, on the elimination from this bill of the item \$121,100, allowed by the Budget, for 74 additional teachers. The gentleman from Nebraska [Mr. SIMMONS], and the gentleman from Mississippi [Mr. COLLINS] both spoke extensively in opposition to the item. The gentleman from Nebraska has sent out a letter to the Members of the House, presumably on both sides of the aisle, calling attention to his discussion on page 2710 of the RECORD of Monday. The gentleman from Mississippi in addition to the actual debate on page 2720 of February 1, has printed an extension of remarks covering seven and a half pages.

If the members are interested sufficiently while I am discussing this proposition, I would like them to take this extension of Mr. COLLINS and have it before them, because I want to call attention to the contradictions in this argument. The whole difficulty in this discussion has been disagreement as to definitions. The basis of all logic is accurate and precise definition of terms. The school question is not a complicated issue at all, but it has been made difficult by being turned into a labyrinth of figures.

If you turn to the hearings, you will find 144 pages devoted to examination and cross-examination of the head of the board of education, disagreement as to figures and disagreement as to terms, yet it all resolves itself into a simple problem.

#### TRYING FOR A RULE OF THUMB

What is the actual enrollment of the schools, what is the actual number of teachers who are classroom instructors? Those two elements are necessary, because we have all been trying to agree upon a rule of thumb, namely, that if we divide the number of teachers into actual enrollment, we obtain, as a quotient, the number of pupils that each teacher has under his or her control.

Those figures are also important because in determining the classroom capacity they have made a similar division. So it makes a great deal of difference whether you take the actual enrollment or the average attendance.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I ask that the gentleman be given 10 minutes. He can not go into the subject in less than 10 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GRIFFIN. So the important point is to ascertain whether you are going to take the actual enrollment or the average attendance. There is disagreement as to the terms "actual enrollment" and "those belonging." I have claimed all along that the actual enrollment is the number of those actually belonging to the schools.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. ZIHLMAN. Under the amendment offered by the gentleman how many teachers would be permitted in addition to those carried in the bill?

Mr. GRIFFIN. Seventy-four additional teachers.

Mr. ZIHLMAN. Asked by the superintendent?

Mr. GRIFFIN. Asked for by the superintendent and approved by the Budget, and it should be remembered also that this appropriation does not provide for full salaries for the entire term, but provides for proportional salaries to those teachers who are appointed to the new schools, which will be opened in the next fiscal year.

Mr. ZIHLMAN. The superintendent of schools will appoint only such teachers as they need.

Mr. GRIFFIN. That is the whole thing in a nutshell.

Mr. ZIHLMAN. And the superintendent is the man in charge of deciding whether they are needed or not?

Mr. GRIFFIN. That is it.

Mr. LINTHICUM. Taking the average attendance, how many pupils would be in daily attendance at a classroom under the gentleman's amendment?

Mr. GRIFFIN. Well, I have not figured that out, but I have shown the average number of pupils in a class to-day is about 31, and using Mrs. Bannerman's method, the method to which my colleagues seem to be so partial, of dividing the total number of teachers into the average attendance she gets the average number in the classroom per teacher of 23 and a fraction. Now, to show how persistent she is in this error of calculation, look at the table called "Exhibit A," published on page 775 of the hearings, where she uses the total number of teachers in the system, 2,840, including 351 special teachers who are not classroom teachers at all, and divides that number into the "average daily attendance," 61,778, instead of using the actual enrollment, 70,553. Of course, with such arithmetic she is bound to show small classroom attendance, which, of course, was what she was striving at to make her case against Doctor Ballou stronger.

Now, let me give a concrete instance of the distinction between the terms "whole enrollment," "actual enrollment," and "average attendance." We will take the case of a class of pupils and follow them up as they are enrolled. Let us say the 1st of the month there are 30 children who have been enrolled. On the 8th of the month there are 40 children who have been enrolled, and on the 15th there are 45 children who have been enrolled. On the 30th of the month there are 50 children who have been enrolled. That is the "total enrollment." But during the month three of those children have been transferred to another school. Now 50 is the "whole enrollment." Forty-seven is the number "actually enrolled." In other words, 47 is the number of pupils that the teacher must provide for, that seating accommodations must be provided for.

Now, as to attendance. We find they have an attendance the first week running down to 30, the second it may run up to 45, the third week may run down to 40, and the last week it may be 35. With those figures your average is 37, and that is the "average attendance." But suppose you provide seating accommodations for 37 only, what will you do when, on a certain day of the month, you happen to have the entire actual enrollment of 47? You must provide for seating them. So that you must perforce take the actual enrollment. Now, my friend from Mississippi seems to strike near the point and then diverges. On page 2722 he says:

He—

Meaning Doctor Ballou—

deliberately made his pupils per teacher as high as was possible by using the method of computation flagrantly at variance with all proper and standard methods of making such computation. He uses

what he termed "actual enrollment," an unheard of method, and figures which are about the same in size as the total enrollment to the schools.

Now, is that "unheard of"? I will say to my friend from Mississippi that he is the only one who never heard of it. The "actual enrollment" is the only sane, sound, and sensible method of arriving at an estimate as to the number of seats and teachers that must be provided in the system. Now, let us go on and see what he says about the "total enrollment."

His table shows that there were 52,694 pupils in the elementary schools, and what he terms "actual enrollment" is 52,660—just 34 below total enrollment.

That, of course, simply means that 34 pupils have left school, but it does not make an awful lot of difference in so far as results are concerned. Then he proceeds—

What he—

Doctor Ballou—

should use is the average number of pupils belonging to the schools.

Mr. W. T. FITZGERALD. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. W. T. FITZGERALD. In arriving at the average enrollment, did he take into consideration special teachers in the high schools?

Mr. GRIFFIN. Oh, no; that is another point. Mrs. Bannerman's figures showed the total number of teachers was 2,640, and that, of course, gave a much lower average attendance.

Mr. W. T. FITZGERALD. And not correct?

Mr. GRIFFIN. Of course not.

Mr. COLLINS. Will the gentleman yield?

Mr. GRIFFIN. I regret I can not yield.

Mr. COLLINS. I wanted to correct the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRIFFIN. I ask to proceed for five more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GRIFFIN. Now, on the same page of the record he says this:

And, mind you, his computations—

Meaning Doctor Ballou's—

are made on figures that are almost identical with the total enrollment.

That need not surprise anyone at all familiar with school conditions. The "total enrollment" is the entire number of pupils enrolled up to the end of a definite school period. Some of these will naturally leave before the end of the term. Deducting those that fall away you have the "actual enrollment" at the end of the term. The figures of Doctor Ballou in the hearings at pages 545, and so forth, show the state of the school roster on November 1, 1926.

Then my friend from Mississippi proceeds:

If they were based on the number belonging, as they should be, they would average for the high-school teachers 19.77 and for other junior high schools 19.74.

Now, note this shifting of terms. In one case he says that Doctor Ballou ought to have used "the average number belonging," and in the next breath he says he ought to use "the number belonging." In one case "the actual number belonging"; in the other instance he says he ought to have used "the average number belonging."

Now, how are you going to get anywhere with reasoning such as that? If a school official is to plan intelligently for the future, what is a better guide than the "actual enrollment" at the close of the preceding term?

Now, my friend from Nebraska [Mr. SIMMONS] falls into a similar pit. He also wrecked himself on the daily "average attendance" idea of Mrs. Bannerman. Here is what our friend from Nebraska says:

We are providing in this bill 1 teacher for every 35½ pupils enrolled in the District schools.

That is his calculation. Let us see how he arrives at that conclusion. He says:

On the basis of the "average daily attendance" we are appropriating in this bill 1 teacher for every 27 pupils in the District schools.

Now, gentlemen, you can not do anything with an "average daily attendance," because it is a figure that is necessarily below the number on the roll. In a class of 50, the attendance may on one day run down to 35 and on another day it may reach the maximum. And what is your average? It will be, say, 42. You have to provide seats and accommodations for your pupils upon the basis of the maximum on the roll attend-

ing at some time during the session. That is the theory upon which the whole system is built; not the "average attendance," but the "actual enrollment" of the class.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I yield to my friend from Nebraska.

Mr. SIMMONS. The figures I quoted, to which the gentleman refers, are Doctor Ballou's figures, and are the average for the year. I quoted from the figures that you will find on page 543 of the hearings.

Mr. GRIFFIN. Of course, that is what the gentleman did, but in the adjoining column of Doctor Ballou's figures there was a similar array of figures called "actual enrollment."

Mr. SIMMONS. I also put those figures in my statement, and put his average, based on those figures, in my statement.

Mr. GRIFFIN. Yes. You mention them, but you do not rely upon them. You attack them.

The gentleman from Nebraska claims that we ought to arrive at our quotient by dividing the number of classroom teachers into the average attendance. Doctor Ballou says the quotient ought to be obtained by dividing the number of classroom teachers into the actual number of pupils belonging on the roll, for whom accommodation must be made.

That is the whole thing, gentlemen.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. SIMMONS. Mr. Chairman and gentlemen, let us get back to the question at issue in this amendment. The proposal is to add to this appropriation \$121,000 to hire 74 additional school-teachers.

Now, it is not, as the gentleman from New York [Mr. GRIFFIN] would argue, a question as to whether or not we will add 74 school-teachers to the total on the pay roll, to be used in relieving the congested conditions in the present classrooms of the present schools. If you will turn to page 534 of the hearings you will find where these teachers are divided into three different groups. Twenty-five of these 75 teachers are to be used in the elementary schools. Forty-four are to be used in the junior high schools, and five in the senior high schools.

Now, where are they to be used in this system? Of the 25 in the elementary schools, 15 teachers are to be used in classroom work, to be added to the list of 1,482 for classroom work. I am not including the special teachers that they talk about. We have now 1,482 teachers on the roll as regular classroom teachers. He asks for 15 more. Where can he use them? He has in the system now but 1,414 classrooms. There are now part-time classes, and we are going to relieve those part-time classes when Doctor Ballou finishes the five-year program. We are appropriating by this bill by the committee's appropriation for 48 more teachers than there will be classrooms when the five-year building program is done.

Mr. GRIFFIN. Does the gentleman understand that in February there will be a reallocation of these classes?

Mr. SIMMONS. Yes.

Mr. GRIFFIN. And that is where Doctor Ballou is reserving his 36 vacancies?

Mr. SIMMONS. No; he does not. I know where he is going to use them. He tells us. I am coming to that next. We are giving the school system of Washington in the committee's bill 48 more teachers than there will be classrooms in the elementary schools when the five-year program is done. Ten of them are to be used for what? To add to the total of 229 teachers who now are teaching domestic science, music, art, and things like that, so that there are only 15 of these 74 that can possibly be used, gentlemen, to relieve the congested condition in the elementary classrooms of the District of Columbia.

Now, last year Doctor Ballou came before the committee and asked for and received 52 additional teachers for junior high schools. We asked him to justify the request for these teachers. He did. He named four junior high schools that were under construction, including the Francis, the Randall, and the Stuart Schools, as schools that would be opened in the next fiscal year, 1926-27, the year under which we are now operating, for which he wanted teachers.

We asked him how many teachers he would need and he told us; we gave him 52, every teacher he asked for those schools. He has them now on the pay roll or they are now available to go on the pay roll. He told us specifically in the hearings that he was going to use those 36 teachers to man those junior high schools. Now, he is back here this year asking us to give him 17 more teachers to go into those same schools.

Mr. GRIFFIN. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. GRIFFIN. I want to call the gentleman's attention to the fact that Doctor Ballou has presented a table, appearing on page 536 of the hearing, as to which the gentleman interrogated me, and in the column opposite these schools the gen-

tieman will find he proposes, of the teachers now available, 17 for the Francis, 5 for the Randall, and 17 for the Stuart. There are 39 out of the available teachers, which exceeds the 36 teachers he proposes to put into those schools which are now open or about to be opened.

Mr. SIMMONS. But if the gentleman will turn to page 693 of the hearings of a year ago, when the gentleman served on the subcommittee, he will find we gave him what he said he needed for those schools. We gave him the number he asked for.

Mr. GRIFFIN. Then in the other column he says teachers needed, and he asks for 17 more teachers.

Mr. SIMMONS. Seventeen more to go in the same schools, when we gave him last year every teacher he said he needed.

Mr. GRIFFIN. But conditions will probably change. Do you not make any allowance for a change of conditions?

Mr. SIMMONS. Certainly conditions will change, but we gave him his teachers last year and he can not increase his pay roll unless we give him some more.

Mr. GRIFFIN. And he tells you he needs additional teachers, and that is what we ought to give him.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for 10 additional minutes. Is there objection?

There was no objection.

Mr. SIMMONS. We are giving him, if the gentleman from New York pleases, those 36 teachers next year that he asked for last year and asked for this year.

Mr. KETCHAM. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. KETCHAM. My information is that every one of those 36 teachers you gave him in the bill for this current year will be employed during this coming year?

Mr. SIMMONS. Yes.

Mr. KETCHAM. Therefore, how can you say they will be given for next year?

Mr. SIMMONS. Because they are carried in the bill for next year.

Mr. KETCHAM. But you are carrying the impression that these will be new teachers next year?

Mr. SIMMONS. Oh, no.

Mr. KETCHAM. I think it is fair to say that the whole number of teachers for which he asked last year, and which were provided, are to be used beginning this February.

Mr. SIMMONS. Yes.

Mr. FUNK. Provided school buildings will be completed.

Mr. KETCHAM. They are completed and will be occupied.

Mr. SIMMONS. If you will take the table on page 536, you will find that after we gave him teachers last year for the Francis, Randall, and Stuart Schools—every teacher he said he needed—he is right back here this year asking for 17 more teachers to go into those same schools.

Mr. KETCHAM. But there will naturally be increases in those very same schools.

Mr. SIMMONS. But we gave him every teacher he said he needed in those school buildings.

Mr. KETCHAM. Yet the fact is that there are going to be 900 or 1,000 more children, part of whom will be in those schools.

Mr. SIMMONS. If the gentleman will permit, I think I can show him he is wrong about that.

Mr. KETCHAM. I doubt it.

Mr. SIMMONS. Well, I think I can show him if he will take the table—

Mr. KETCHAM. I will revise my remarks by saying I do not think the gentleman can show me.

Mr. SIMMONS. If the gentleman is talking about giving Doctor Ballou his additional 17 teachers to further equip a series of school buildings for which we have already provided teachers, let me suggest that if he will turn to page 536 of the hearings he will find that in the Garnet-Patterson School, the Gordon School, or the Georgetown School that Doctor Ballou has allocated out of his present available teachers 12 teachers to the Garnet-Patterson School and 13 teachers to the Gordon School. We appropriated for those last year and we are appropriating for them next year. Now, as the Garnet-Patterson School and the Gordon School, the plans are not yet drawn. The Garnet-Patterson School plans are but 80 per cent complete, and the Gordon School plans are but 10 per cent complete. He is asking teachers in those schools for this coming year. If Doctor Ballou will take the 25 teachers he has asked for those schools and apply them to the other three schools,

you will find he will have an excess of 4 teachers under the present appropriation and will have every teacher he asks for the Francis, Stuart, and Randall Schools.

Mr. KETCHAM. Of course, the gentleman is aware that these teachers are now occupied?

Mr. SIMMONS. They are not.

Mr. KETCHAM. Then his information does not correspond to mine.

Mr. SIMMONS. If they are occupied now, how can he make them available for next year?

Mr. KETCHAM. Because there will naturally be transfers, as is true in every school system.

Mr. SIMMONS. If there are to be natural transfers, they can not be made to blue-print schoolhouses, but let him transfer them into schoolhouses already built.

Mr. KETCHAM. Let me say to the gentleman as to the buildings he now refers to as blue-print schools, that they are to be occupied this February, and, I take it, the architect's office and those responsible for construction will be as accurate with reference to the time when other new buildings will be completed next year as they have been with regard to those to be occupied now.

Mr. SIMMONS. That statement in the RECORD is based on the information received from the architect's office last May. The gentleman can go to Major Atkins, in the Municipal Building, and ask when the Garnett-Patterson School and Gordon School will be finished.

Mr. KETCHAM. I have the statement right here.

Mr. SIMMONS. We appropriated last year for auditoriums at the West School and the Patworth School that they have not yet started. We are appropriating this year in this bill the money to finish these junior high-school buildings, and yet we are asked to hire teachers for them beginning next September.

Mr. KETCHAM. May I interrupt the gentleman at that point?

Mr. SIMMONS. Yes.

Mr. KETCHAM. Even though we did hire teachers for them, and if the buildings were not ready for occupancy at that time, the gentleman does not mean to give the committee the impression the teachers would be put upon the pay roll until the rooms were actually completed?

Mr. SIMMONS. No; I am not giving that impression at all, but I see no reason to tax the people of the District of Columbia to pay teachers that can not possibly be used. Now, if by some chance some little fairy should come along and put some energy into the school and the District authorities and complete those buildings, Congress will be in session next December, and if they do need them they can have a deficiency appropriation for the employment of these teachers.

Mr. KETCHAM. Then, why is it not a more sensible proposition to proceed upon the theory that that may happen, and if it does not happen the teachers will not be employed; but if it does happen they will be ready without any further action by the Congress.

Mr. SIMMONS. But the taxpayers of the District of Columbia who have been complaining about their taxes will have paid out the money and received nothing for it.

Mr. KETCHAM. I am sure the gentleman does not want to give the impression that any taxpayer in the District of Columbia has any license to complain about his school taxes. In my home city—

Mr. SIMMONS. Wait a moment. Let us confine this to the District of Columbia.

Mr. KETCHAM. Just by way of comparison, in the city where I live—

Mr. SIMMONS. I refuse to yield for that purpose.

Mr. HUDSON. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. HUDSON. Is not this the point at issue: The committee is not trying to cripple the schools of this city?

Mr. SIMMONS. Not at all.

Mr. HUDSON. By withholding the employment of these teachers?

Mr. SIMMONS. Not at all.

Mr. HUDSON. But the gentleman does not see the necessity of taking money and storing it away for a year in advance.

Mr. SIMMONS. Exactly; especially where the testimony shows there is no possible chance of the money being needed.

The President has been criticized here for not approving other than "blue-print" cruisers. This much ought to be said in the President's defense. While he may be asking for plans for ships, he is not asking us to employ sailors to man his "blue-print" cruisers, but here you are asking us to hire teachers to man your "blue-print" schools. [Laughter.]

Mr. VESTAL. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. VESTAL. As I understand it, last year you gave Doctor Ballou the number of teachers he asked for.

Mr. SIMMONS. The total number he asked for—90 additional teachers.

Mr. VESTAL. For three new schools; and he told you at that time they were all the teachers that could possibly be used in the three schools; is that true?

Mr. SIMMONS. He came before the committee and asked for the teachers for those schools and we gave them to him.

Mr. VESTAL. Do I now understand that he is asking for more teachers to be used in those three schools?

Mr. SIMMONS. Yes; he is asking for 17 additional teachers to be used in the same schools.

Mr. VESTAL. In the same schools?

Mr. SIMMONS. Yes; and on top of that, he is asking for 21 teachers additional to go in buildings that are not built, and he has allocated 25 of his present force to go into buildings that are not built.

Now, so much for the junior high schools. There is no possible chance that he can use the 44 additional junior high-school teachers.

Let us now take the situation as to the senior high schools. He asks for five teachers for the senior high schools. You can not take the hearings and find justification for five teachers for the senior high schools. We are not opening an additional classroom. We are not starting an additional class on any subject in the high schools. Doctor Ballou states that his reason for asking for these five teachers is that the high-school system has been increasing by about 800 pupils a year on the average. The figures are that in the last five years, instead of increasing 800 on the average, they have increased 632; and the average increase for the last three years has been 382, and the increase for last year was 201.

Mr. GRIFFIN. Does the gentleman object to the school authorities making provision for the increased enrollment during the next fiscal year?

Mr. SIMMONS. I am not objecting to that and am willing to grant it, but Doctor Ballou told us they were anticipating an average increase of 800 in the high schools when in the last three years the average increase has only been 386, and last year there was an increase of 201.

Mr. GRIFFIN. But his estimates are for an additional increase during the next fiscal year based on the increase in previous years.

Mr. SIMMONS. Yes.

Mr. GRIFFIN. Now, whose judgment are we going to accept, the judgment of the gentleman from Nebraska, Mrs. Bannerman's, or Doctor Ballou's?

Mr. SIMMONS. All right; let us talk about Mrs. Bannerman a moment, and then I am coming back to the schools.

The statement has been made here on the floor and has been made in the press that the committee took the figures of Mrs. Bannerman, who represents the Parent-Teachers Association, as against those of the superintendent of schools. I see no reason for any man to attempt to hide behind a woman's skirts. We are using in this discussion Doctor Ballou's own figures, and Mrs. Bannerman's figures were not taken by the committee to justify the action it has taken, and I am not taking her figures now. But may this be said for Mrs. Bannerman: She has given great and exhaustive study to the schools of the District of Columbia. I do not agree with her in some things. I do say, though, that if the average taxpayer or average parent of Washington would give one-tenth the time and study to the city schools that she has given that they would have a far more efficient and less expensive system than they have now.

Mr. GRIFFIN. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. GRIFFIN. I want to call the gentleman's attention to his own speech on the subject where the gentleman deliberately states that he used the average attendance as his dividend.

Mr. SIMMONS. Yes; but I took Doctor Ballou's figures to get my average attendance, and not Mrs. Bannerman's.

Mr. GRIFFIN. But that was Mrs. Bannerman's method.

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. COLLINS. I hope the gentleman will correct his statement that he used the average attendance. The gentleman used the average enrollment.

Mr. SIMMONS. I have used Doctor Ballou's figures in every computation.

Mr. GRIFFIN. No; the gentleman from Mississippi used the average enrollment and the gentleman from Nebraska used the average attendance.

Mr. SIMMONS. The gentleman from New York, I know, will be fair about this. I used Doctor Ballou's figures, and you will find in my remarks that I showed that on the basis of the average enrollment the cutting off of these teachers would not increase the attendance per teacher in the elementary schools but three-tenths of 1 per cent, and then I said that based on Doctor Ballou's figures the average daily attendance would increase them from 27 to 27½ per teacher.

Mr. GRIFFIN. I call the gentleman's attention to his remarks on page 2720 of the Record. Did not the gentleman say:

We are providing in this bill 1 teacher for every 35½ pupils enrolled in the District schools.

Mr. SIMMONS. And that is based on Doctor Ballou's figures.

Mr. GRIFFIN. And the gentleman further stated:

On the basis of the average daily attendance we are appropriating in this bill 1 teacher for every 27 pupils in the District schools.

Mr. SIMMONS. I said that, and if you will turn to page 544 you will find those are Doctor Ballou's figures. Why come up here and accuse Mrs. Bannerman of submitting those figures?

Mr. GRIFFIN. I am talking about the method of using the average attendance for the dividend.

Mr. SIMMONS. I am willing to take Doctor Ballou's own figures.

Mr. GRIFFIN. The gentleman is not, he is taking the average enrollment, and Mrs. Bannerman takes the average attendance.

Mr. SIMMONS. Either way, I do not care, because I take Doctor Ballou's own figures. Now, let me ask the gentleman a question. Is the gentleman willing to take Doctor Ballou's figures?

Mr. GRIFFIN. Yes.

Mr. SIMMONS. So am I for the purposes of this discussion. Now I refuse to yield further. On the basis of Doctor Ballou's statement we have only taken from him 15 elementary teachers which he could possibly use to relieve the congested classrooms in the elementary schools of the city of Washington.

Now I come again to this question, whether or not in the planning and hiring of the teachers we are going to use figures that are the maximum possible load. Here are the figures they give us. They give us—1925 and 1926—the greatest enrollment in the schools as 74,000. Yesterday the school board released to the press a statement that the maximum enrollment of all was 70,325. We have fewer pupils in the whole school system, on the average, than Doctor Ballou shows as the enrollment in the elementary schools alone. It is not a question of figures. He is asking you to put on the pay roll about 15 teachers who are to be used in the elementary schools next winter. They have now a surplus of teachers. Forty-four are to be in schools not completed, the plans not drawn. Five are to be used in the high-school system, and Doctor Ballou says they have overestimated the high-school need in the District of Columbia.

That is the issue—whether you are going to hire 74 teachers. It is not whether Doctor Ballou's or Mrs. Bannerman's figures are correct. It is not what the average attendance may be in the District of Columbia or elsewhere. It is whether we are going to tax the people of the District of Columbia for that which under no possible explanation can be justified. [Applause.]

Mr. KETCHAM. Mr. Chairman, I move to strike out the last two words. Mr. Chairman and members of the committee, I think we all agree that our subcommittee has gone into this whole problem very minutely; but certainly, if we had the patience to wade through the mass of statistics and other data which they have placed in the record for our enlightenment, I do not know whether we would be so enlightened when we came to the end or not. Having had some experience in school affairs, I am frank to say that I have become somewhat entangled in them myself. There are one or two outstanding things that seem to me ought to determine our vote on this matter. In the first place, may I refer briefly to one matter that the gentleman from Nebraska would not allow me to touch on in his time, and very properly, too, and that is pleas made on behalf of the overburdened taxpayer of the District of Columbia by reason of the school tax. Anyone who stands on the floor and talks to this group of men making an assertion of that sort—

Mr. SIMMONS. I do not think I did that.

Mr. KETCHAM. Is making a very strange argument. I want to challenge the attention of every Member of the House who sits before me while I state what the real situation is.

The real-estate tax rate for the District of Columbia for the coming year is \$1.50 on a hundred, \$15 on a thousand. In the city where I live the school tax rate alone is \$1.54. In contrast with that, if you please, take the statement of the chairman of the subcommittee into consideration. If one-third of the total tax levied in the District of Columbia goes for public schools, that would mean a levy of 50 cents on \$100 in contrast with \$1.54 in my home town. I will pause to ask if there is a gentleman sitting here who lives in an average city school district that has a school tax rate anywhere near as favorable as that of the city of Washington.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. HOUSTON. Is it practical to divide the school children into a certain number and to put them around to a certain number of schools, irrespective of their places of residence?

Mr. KETCHAM. That can not be done. They can not be allocated in that way. When you undertake to take the total number of pupils that are found in the elementary schools and put over against that number a divisor which represents the teachers employed in the elementary schools, anyone who has had any experience at all knows the impracticability of such a proposition. People naturally want their children to attend the schools in their immediate neighborhood. If there should be an attempt to allocate these pupils to different schools than those found in their immediate community, everyone knows what the school authorities would be up against in the consideration of that sort of a proposition. Therefore, it is not a question of taking a definite number of pupils and dividing them by a definite number of teachers to determine what rule ought to be followed. Here is the way I look at it. We are not burdening the people of the District of Columbia by way of taxation, and so far as we, representing our districts and the country at large, are concerned, we are not called upon to pay one red cent more one way or the other, because we make a lump-sum appropriation here of \$9,000,000. That is all there is to that.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. KETCHAM. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KETCHAM. So far as the manipulation of these statistics by our friends is concerned, they have led us around in a maze of mathematics. Mathematics are all right, but I do not think, do not believe any mathematical analysis goes to the real heart of the problem before us to-day.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. I have only a moment or two left and I want to clear up one or two other points. From my experience I know that while it may be that in a few instances you may have a teacher in charge of a comparatively small number of pupils who live in the immediate vicinity of the school in which she is teaching, yet you must maintain your organization, whether you have few in a class or many. The limitation of the number of teachers is going to fall most heavily upon the sections of the city where already there is an excess of pupils. Why? Because if this increase is denied, the supplementary teachers used to assist where a teacher may have in her classroom 50 or 55 pupils, a condition under which she finds it impossible to do satisfactory work, will have to be withdrawn and stationed in these other places where the ordinary new supply of teachers would be allocated.

Summing it all up I call attention particularly to one phase of this situation, which we had under consideration and which we earnestly discussed last year. The people who live just outside of the District and who by reason of the situation, because of the attractiveness of our schools here, send their boys and girls into some of the schools found near the District line, will be denied that privilege if this amendment is not agreed to. I refer to the pupils who come from Virginia and Maryland. I am sure we do not want to do that sort of thing.

Doctor Ballou is a competent and a responsible official put at the head of the District schools. He has made his report and recommendation. That recommendation has gone across the table of the Budget Commissioner, and I think you will agree that that is pretty good evidence that it has been closely scrutinized. It seems to me, notwithstanding the painstaking care which our subcommittee has given to the matter, that the only reasonable and fair thing to do is to give to this responsible, directing head of schools the number of teachers he wants, upon his statement, supported by that of the subcommittee, that

although these teachers may not be needed, if the buildings are not completed for next year, not one dollar of the money will be expended. What is the best thing and the businesslike thing to do under the circumstances?

Mr. SIMMONS. Do I understand the gentleman is asking for these teachers in order that he may furnish better facilities for the children of Maryland and Virginia?

Mr. KETCHAM. Not necessarily. The gentleman knows my position. I do not think it would be fair for us to deny any boy or girl an opportunity of a high-school education. I am against the pinch-penny method that would point in that direction. So long as I can stand here and plead for the best possible school privileges of Maryland boys and girls or Virginia boys and girls, or boys and girls anywhere, I shall do it. [Applause.]

Mr. SIMMONS. No matter who pays for it.

Mr. FUNK. Mr. Chairman, I ask unanimous consent that all debate upon this amendment close in 10 minutes.

The CHAIRMAN. Is there objection?

Mr. ZIHLMAN. Mr. Chairman, I reserve the right to object.

Mr. GRIFFIN. Mr. Chairman, reserving the right to object, this is a very important section of the bill, and I think about the only one on which there will be any debate. The gentleman from Mississippi [Mr. COLLINS] wants 10 minutes, the gentleman from Maryland [Mr. ZIHLMAN] wants 5, and I shall want 5 minutes.

Mr. FUNK. Does the gentleman object to my unanimous-consent request?

Mr. ZIHLMAN. I object.

Mr. FUNK. Mr. Chairman, I withdraw the request.

Mr. ARENTZ. Mr. Chairman, I move to strike out the last word. In the home town of the gentleman from Michigan [Mr. KETCHAM] and in my home town this discussion about schools and about appropriations for teachers and for the education of the youth of the land is going on at this time of the year.

The matters which should be taken up by the citizens of the District of Columbia through their proper representatives, discussed fully, and settled satisfactorily by the District of Columbia citizens have been passed on to the Congress of the United States, to men and women who have more weighty matters of national importance than the matter of distributing to the District of Columbia the proper number of school-teachers. This is a serious and important question to every parent in our Nation's Capital, and the Congress each year gives it most sincere attention. I merely rose to say these few words to bring to the attention of the country the proposition that their Representatives are spending two complete days in the committee discussing matters which should be delegated to some legal authority of the District of Columbia and settled to its satisfaction in the same manner and in the same conscientious way followed in every other city of equal size in our land. [Applause.]

I withdraw the pro forma amendment.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I do not profess to know which set of figures which have been presented here I should take in arriving at my conclusion as to the number of teachers needed in the District of Columbia schools for the next fiscal year. Taking them alphabetically we have the Bannerman, the Ballou, the Collins, Griffin, and Simmons figures, so we can take our choice. But I rose at this time to make this brief observation about the schools of the District. Notwithstanding the painstaking care that was given to this very important matter by the subcommittee, I make this statement advisedly that if this bill is enacted into law in its present shape and form it is the most deadly blow that has been struck at the school system of the District of Columbia by Congress in the past five years. I have had something to do with the legislation affecting the schools of the District of Columbia. We considered and passed during the time I have been chairman of the District of Columbia Committee and acting chairman of that committee the bill authorizing a five-year building program involving the expenditure of \$19,000,000. We passed a teachers' reorganization and salary increase bill. We passed the teachers' retirement act, the compulsory school attendance act, and in the consideration of all of that legislation, involving an authorization if not an expenditure of millions of dollars, no citizen of the District ever complained about the money that was being spent on the public-school system of this city. But in this bill it is proposed to give the superintendent of schools 74 less teachers than he says are needed for the coming year. This House two years ago was so impressed with the ability and integrity and the knowledge of Doctor Ballou that here upon the floor it was proposed to increase his salary from \$5,000—which he was then receiving,

as I recall, or \$6,000 under some amendment attached to an appropriation bill—to \$10,000, and this was done; and now we find the Congress is even questioning the figures he presents as to the school needs of the District of Columbia for the coming year. Not only that, but in this bill is carried a limitation of 125 per cent of the assessed value of school sites, and because of this limitation carried in the appropriation bill of last year two school sites, only two, have been purchased. It has only been possible to acquire two school sites for the splendid building construction we outlined three years ago.

Mr. SIMMONS. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. SIMMONS. I think the committee should comprehend that if the gentleman would bring us from his committee some legislation adequately protecting the District in condemnation cases—

Mr. ZIHLMAN. I will say this, that the committee of which I am chairman has been considering the method of condemnation here, and we have upon the calendar now a bill applying to the park sites of the District, providing the value should be fixed and the time of the filing of suits, and that the park commission can present and damages deducted, if any damage is done to the land for park purposes. I am not complaining about the language of this bill so far as it applies to purchase, although I think it is militated against the best interests of the District of Columbia and the schools, but I am complaining that the committee sees fit to carry that limitation to the price fixed.

Mr. SIMMONS. Will the gentleman yield?

Mr. ZIHLMAN. I have only about one minute.

Mr. SIMMONS. I will secure the gentleman additional time.

Mr. ZIHLMAN. I will yield.

Mr. SIMMONS. Your condemnation awards in the District have been far in excess of the price paid in private purchases. We have aimed at the abuses and the excessive prices paid or awarded by condemnation juries.

Mr. ZIHLMAN. I will say to the gentleman I am not familiar with the method of drawing juries or the awards fixed by condemnation juries, but I do know the subcommittee, of which the gentleman from Vermont is chairman, has given very serious consideration to this subject, and we are hopeful we may be able to bring in a jury law that will protect the interests of the District.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. ZIHLMAN. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ZIHLMAN. Now, Mr. Chairman, the legislative Committee on the District of Columbia has made a survey of the District schools. The distinguished lady from New Jersey [Mrs. Norton] has in particular given a great deal of time to this subject, and the statements contained in reports which she brought in as to the conditions that exist in the public schools of this city are almost unbelievable.

Mr. FUNK. Mr. Chairman, will the gentleman yield there?

Mr. ZIHLMAN. I yield to the distinguished chairman of the subcommittee.

Mr. FUNK. I assume the gentleman refers to the amount appropriated by Congress for repairs on the school buildings?

Mr. ZIHLMAN. I refer to the condition of the schools, which the school authorities say is due to lack of funds.

Mr. FUNK. I will call the gentleman's attention to the fact that in the last five appropriation bills Congress has appropriated within \$50,000 of the amount asked for by the Board of Education in a period of five years, and the total sum appropriated was over \$2,500,000. We came within \$50,000 of the total amount asked for by the Board of Education in that period of five years. It is not the fault of Congress. Last year this committee and the Congress increased the appropriations voluntarily, over the askings of the Board of Education, to the amount of \$75,000 for repairs.

Mr. ZIHLMAN. All that I am asking at this time is that the suggestion of the distinguished soldier from Nevada be followed, that this item of schools, this matter of appropriation for teachers' salaries, should be based upon the estimates made by the Board of Education and by the commissioners and the Director of the Budget, transmitted here by the President of the United States; and Congress should not be called upon to decide between the Simmons figures and the Gibson figures and the Ballou figures and the Collins figures and the Bannerman figures. If the superintendent of schools is not rendering satisfactory service, and if he comes up here and makes misrepresentations to the committee, then somebody ought to be put in the position in his stead.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. FUNK. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FUNK. This subcommittee did give proper consideration to the statements of the superintendent of schools. We did give due weight to the fact that the item was submitted by the Bureau of the Budget, and we also gave very great weight to the representations of the Parent-Teachers Association, comprising the women who teach these young people and the parents of the scholars who attend these schools; and I challenge the gentleman to point out any action or any statement of the Parent-Teachers Association which supports this request for 74 additional teachers.

If I may be pardoned for speaking personally, I want to give a great deal of credit for their work to my colleagues on this committee, the gentleman from Nebraska [Mr. Simmons] and the gentleman from Mississippi [Mr. Collins], both of whom have little children in the elementary schools; and we certainly must concede to them the care, the anxiety, and the interest that parents naturally feel when they approach this subject with as much interest as they do, and must recognize the fact and give weight to their opinions when they oppose this addition of 74 teachers.

We all know what school men are. They are faddists. Take the situation in your own home town, or in the home town of any Member and ask that Member, and on inquiry they will tell you that 90 per cent of the schools of their towns are run by faddists, men and women attached to some peculiar "ism." And that is the situation in Washington. They have gone crazy as to the amount of money they want to spend on these schools.

Mr. ZIHLMAN. I can not agree with the gentleman. If I understand correctly the amendment that is pending before this committee, it is to increase the total amount of money available; not to expend it, but to increase the sum by \$100,000. Now, if we have not any confidence in the man at the head of the schools, and if we feel that he is going to waste this money in fads, as suggested by the gentleman from Illinois [Mr. Funk], you should amend the school law and provide for conduct of the schools by a board. But as long as we have the present educational system in the District of Columbia we ought to supply its needs in the teaching personnel, because the mere appropriation of this money and placing it at the disposal of the Board of Education is not going to result necessarily in its expenditure. It will be available; if the schools require additional teachers it can be used, and if it is not needed it will revert back to the Treasury at the end of the fiscal year.

So I can not understand the gentleman's position in refusing to make available for the public schools of this city the mere bagatelle of \$100,000 for additional teaching needs of the District of Columbia.

Mr. COLLINS rose.

Mr. FUNK. Mr. Chairman, I move that the debate on the pending paragraph and all amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from Illinois moves that the debate on the pending paragraph and all amendments thereto be closed in 10 minutes. The question is on agreeing to that motion.

Mr. GRIFFIN. How many minutes does the gentleman from Mississippi desire?

Mr. COLLINS. I want five minutes.

Mr. GRIFFIN. And I want five.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The CHAIRMAN. The gentleman from Mississippi [Mr. Collins] is recognized.

Mr. COLLINS. Mr. Chairman, this is not a difficult question to understand. It is a very simple question. We have a certain number of teachers in the schools of the District of Columbia, to wit, 2,681. We have more teachers in the District of Columbia than has the city of Milwaukee, which has about the same population as has the District of Columbia. Milwaukee has 1,971 school-teachers. The District of Columbia has 2,681 school-teachers. Buffalo, with a population larger than that of the city of Washington, with upward of 100,000 people more, has 2,586 teachers, or approximately 100 less than the District of Columbia. Newark, N. J., with a population approximately the same as the District of Columbia, has 2,116 school-teachers, while we have 2,681 here. In other words, we

have between 500 and 600 more school-teachers in the District of Columbia than has the city of Newark, N. J.

Mr. REID of Illinois. Mr. Chairman, do you distinguish between colored and white in that?

Mr. COLLINS. No. I am taking the figures that the Bureau of Education has just given me over the telephone.

Now, this is the situation in the District of Columbia: We have approximately 20 children per teacher in the junior high schools of the District of Columbia, and approximately 20 children per teacher in the senior high schools of the District of Columbia, and approximately 30 children per teacher in the elementary schools of the District of Columbia.

I am considering only regular classroom teachers. In addition to these teachers there are 437 other teachers. There is no shortage of teacher force here now, nor will there be one.

We are not taking anything away from the District schools. We have adequately provided for them, but we have resisted efforts to load upon the taxpayers of the District and the United States 74 teachers not needed, of no benefit to the pupils of the schools of this District. That is all we have done. We have provided them with more school-teachers, I dare say, than any city in the United States with a similar population or nearly similar population.

The Congress has given the District schools a school-teacher in the last 10 years for every 17 school children enrolled in the District schools; that is, the total enrollment, those whose names have ever been on the rolls, however short the time; everybody ever on the rolls, taking this total enrollment. We have given them a school-teacher for every 17 school children. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. I want to take this time to call your attention to the peculiar situation of the school problem in Washington. Here, you know, the board of education is compelled to provide for separate schools for both the colored and the whites and that means both colored and white teaching and supervisory staffs. The normal schools and the high schools are kept separate in the same manner; that is, on the basis of color. That constitutes a serious problem, so that when the heads of the school board are confronted with the question of overcrowding they can not adopt a rule of thumb and say they will transfer so many from this school into that school, because here in Washington they can not put colored children in with the whites or vice versa, as is done in northern cities. Therefore any comparison with the schools of northern cities must necessarily be unfair.

While my friend from Nebraska [Mr. SIMMONS] was on the floor we had a little tilt as to the figures that were used in these calculations. He stated he had Doctor Ballou's figures of attendance, enrollment, average enrollment, and average attendance. Of course, he was obliged to use them because there was no other source at hand from which he could get them. The problem is not the figures you use, nor their source, but it is which of the figures you use, and how you use them.

I want to show you that during the course of Mrs. Bannerman's testimony she put in a table, which is found on page 775 of the hearings, in which she shows the total enrollment, average daily attendance, percentage in average daily attendance, number of teachers, and the number of pupils per teacher. If you will look at that table you will see she divides the number of teachers into the average attendance; in other words, she uses the average attendance of the schools as her dividend, and that is what I am complaining about as to my friends, both my friend from Nebraska [Mr. SIMMONS] and my friend from Mississippi [Mr. COLLINS]. They both use this average attendance as their dividend.

Mr. COLLINS. I beg the gentleman's pardon. I have never used the average attendance.

Mr. GRIFFIN. I am glad the gentleman makes that challenge. I have before me his speech in the RECORD of Tuesday, February 1, page 2724, and on that page I find his Exhibit A. He takes the white schools and enumerates them. In the first column we find the number of teachers; two, the number of classrooms; three, enrollment; four, average daily attendance; five, average number belonging; and then the sixth column, pupils per teacher, which he tells you he derives by dividing column 4, the average daily attendance, by No. 1, the number of teachers.

Mr. COLLINS. No, indeed.

Mr. GRIFFIN. He admits in this column, No. 6, that he arrives at the result, say, in the John Eaton School, of pupils per teacher, 29, by dividing column 4, average daily attendance, by the number of teachers.

Mr. COLLINS. No, indeed; I take the average number belonging. The gentleman does not just understand it.

Mr. GRIFFIN. Well, I challenge the gentleman to take the RECORD and see if I am not correct. It is there in plain language.

Mr. COLLINS. I know exactly what I did.

Mr. GRIFFIN. Pupils per teacher, arrived at by dividing column 4 by column No. 1. Now, what is in column 4? It is entitled "Average daily attendance." Is not that so?

Mr. COLLINS. I state to the gentleman again that I arrived at the number of children per teacher in the schools of the District of Columbia by taking the average enrollment or the average number belonging and dividing the number of teachers into that number, thus arriving at the figures I have given. The gentleman is right about Exhibit A. It uses regular classroom teachers and average attendance and regular classrooms and average number belonging. I contend the better way to determine the class size is to take the number of classroom teachers and divide this into the average number belonging to the schools.

Mr. GRIFFIN. I ask the gentleman to look at that table.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. ZIHLMAN. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GRIFFIN].

The question was taken; and on a division (demanded by Mr. GRIFFIN) there were—ayes 13, noes 67.

Mr. GRIFFIN. Mr. Chairman, I object to the vote upon the ground there is not a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-three Members present, a quorum.

Mr. GRIFFIN. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from New York demands tellers. As many as are in favor of taking this vote by tellers will rise and stand until counted. [After counting.] Five Members have risen, not a sufficient number.

So tellers were refused.

The Clerk read as follows:

For the instruction and supervision of children in the vacation schools and playgrounds, and supervisors and teachers of vacation schools and playgrounds may also be supervisors and teachers of day schools, \$30,000.

Mr. GIBSON. Mr. Chairman, I move to strike out the last word.

The gentleman from Nevada [Mr. ARENTZ] has made some observations in regard to the time taken by the House for the consideration of District of Columbia matters. It is a good thing sometimes to recur to fundamental principles. I call the attention of the Members of the House who are here present to the provisions in part of the Constitution in paragraph 17 of section 8:

To exercise exclusive legislation in all cases whatsoever over such District.

This provision would be complete if the reading had been as follows:

To exercise exclusive legislation over such District—

But other important words were added—

to exercise exclusive legislation in all cases whatsoever.

The framers, when this portion of the Constitution was put into shape, intended to leave no doubt but that the absolute control of all legislation here in the District should be vested in Congress. I call attention, Mr. Chairman, to the fact that this is the only section of the Constitution where repetitions were used for the sake of emphasis, and there the provision is stated three times so as to leave no doubt as to the intention of the framers of the Constitution. Under this language it is the duty of every Representative to give careful, conscientious attention to every matter that relates to the District of Columbia.

This is the national city; it is the Federal city; it is as much the city of the residents of the district of the gentleman from Nevada as it is the city of the person who lives on Pennsylvania Avenue. In theory, at least, the District of Columbia has 435 Representatives in this House.

Mr. ARENTZ. Will the gentleman yield?

Mr. GIBSON. I yield.

Mr. ARENTZ. If we wished to go as far as we could go in this matter of exclusive supervision of everything pertaining to the District of Columbia, we could clutter up this House of Representatives with all matters pertaining to the police court, matters of tax rates, matters of the regulation of traffic upon the streets, and a thousand and one other things which the House of Representatives would not care to enter into. I merely mentioned this matter of the authority of the House to investigate schools and to go into the number of school-teachers per schoolroom and all that sort of thing, with the idea of suggesting that if there is some way, bearing in mind the constitutional demands upon Congress to look after these things, whereby Congress can allocate some of this authority to some of the officials of the District of Columbia without a constitutional amendment, it might be a good plan.

Mr. SIMMONS. Will the gentleman yield to me right there?

Mr. GIBSON. I yield to the gentleman.

Mr. SIMMONS. I think the gentleman overlooks the fact that the Committee on Appropriations checks just as carefully every expenditure of the Federal Government as we are checking the expenditures here. We are giving no more attention to these items for the District of Columbia than the members of other subcommittees of the Committee on Appropriations give to other Federal expenditures. Would you have all of it done away with and have these matters left entirely with the departments?

Mr. ARENTZ. Is the gentleman from Nebraska addressing his remarks to me or to the gentleman from Vermont?

Mr. SIMMONS. To the gentleman from Nevada. The departments send their requests here and the Committee on Appropriations checks them.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

Mr. HUDSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 43, line 15, after the word "tuition," insert a colon and the following: "Provided, That no part of the appropriation made for the public schools for the District of Columbia shall be used for the instruction of pupils who dwell outside of the District of Columbia below the ninth grade."

Mr. HILL of Maryland. To that, Mr. Chairman, I make a point of order.

Mr. BLANTON. I make a point of order, Mr. Chairman, because it is legislation on an appropriation bill and a change of existing law.

Mr. HILL of Maryland. It is legislation, and in the second place the words of the amendment are entirely contradictory to the provision it attempts to amend.

Mr. BLANTON. I make the further point of order that it is a change of existing law, and while it is in the form of a limitation, it would allow all children of a certain class to attend the schools when the law does not permit it now. It seeks to enlarge the present law.

Mr. HUDSON. Mr. Chairman, I think the Chair will recognize that the amendment is clearly in order. It is a limitation on the appropriation bill, and it has been held in order before in previous committees.

Mr. HILL of Maryland. The Chair will recollect that a similar amendment was held out of order when the bill came up last year.

Mr. FUNK. The gentleman is entirely mistaken.

The CHAIRMAN. The Chair would like to call the attention of the gentleman from Michigan to the fact that his amendment reads:

*Provided, That no part of the appropriation made for public schools in the District of Columbia shall be used for instruction of pupils who dwell outside the District of Columbia below the ninth grade.*

The Chair thinks, as the gentleman from Texas suggested, that since this restriction relates to pupils below the ninth grade it might be held to permit pupils above the ninth grade.

Mr. BLANTON. When there is no law for it.

Mr. HUDSON. In reply to the Chairman, I will say that we are trying in the amendment to put a limitation on the use of the appropriation. We might make the amendment read that no part of the appropriation for the schools of the Dis-

trict of Columbia could be used in giving instruction to pupils outside of the District of Columbia. We recognize that fact. We do not want to do that, and that is not the intention of the amendment. The intention of the amendment is to limit it to a certain class of pupils.

Mr. BLANTON. Will the gentleman yield?

Mr. HUDSON. Yes.

Mr. BLANTON. There is no permanent statute now that permits children above the ninth grade living outside of the District of Columbia to attend the District of Columbia schools. If the gentleman passes his amendment it will permit those children to come in.

Mr. HUDSON. It does not; it is not permissive in any way, shape, or manner. It does not change existing law one iota.

Mr. ZIHLMAN. Mr. Chairman, I call the Chair's attention to the fact that under the Holman rule, which I assume is in the mind of the author of the amendment, there must be clearly shown on the face of the amendment that there is a retrenchment. This amendment on its face does not clearly show that there is a retrenchment of expenditure.

Mr. HUDSON. This amendment clearly shows in the light of past history that it would amount to a saving of probably \$500,000 in the expenditure of the funds.

Mr. HILL of Maryland. Does the gentleman from Michigan contend that this amendment, which shuts out of a certain class of children, would save \$500,000?

Mr. HUDSON. Approximately.

Mr. HILL of Maryland. The estimate last year was, as I recall, that if it shut off all of the pupils outside of the District of Columbia that it would save about \$200,000. How many children does the gentleman think would come in under his amendment?

Mr. HUDSON. I do not consider that any would come in under the amendment.

Mr. HILL of Maryland. I make the further point of order, Mr. Chairman, that the amendment is contradictory and does not do what it pretends to do on its face. I ask that the amendment be reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. HILL of Maryland. Here is how the section reads:

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

This amendment attempts to cut away part of that, and it is not clear what it means. If the comptroller were called upon to work it out, he would not know what it meant. Here is a positive statement in the bill that there shall be no tuition paid, and the author of the proposed amendment does not even show what it affects.

Mr. SIMMONS. Mr. Chairman, the language the gentleman from Maryland [Mr. HILL] refers to does not relate to children being outside of the District of Columbia who are the children of officers and men in the United States Army. It refers to the officers and the parents of children who are situated outside of the District of Columbia, and whose children come in under that language. The gentleman from Texas [Mr. BLANTON] stated that there is no law at this time admitting outside children into the District schools. That authorization is to be found in the act of March 3, 1915, and is as follows:

Hereafter all pupils, whose parents are employed officially or otherwise in the District of Columbia, shall be admitted and taught free of charge in the schools of said District.

So that is merely limiting the number of pupils that can come in under existing law.

The CHAIRMAN. The Chair understands that that relates to persons residing in the District.

Mr. SIMMONS. Oh, outside of the District and employed in the District.

Mr. HILL of Maryland. It makes no difference where they dwell, if they are employed by the Government.

Mr. ZIHLMAN. Mr. Chairman, I further call the attention of the chairman to the interpretation of a decision under the Holman Rule to be found under section 825, page 386, of the Manual and Digest. The gentleman from Massachusetts, Mr. Luce, was Chairman, and held:

In construing a proposed limitation, if the Chair finds the purpose to be legislative, in that the intent is to restrict executive discretion to a degree that may be fairly termed a change in policy rather than a matter of administrative detail, he should sustain the point of order.

This certainly is a change of policy; it is a change of existing law, without its being clearly apparent that there is retrenchment of expenditures under this item.

Mr. HUDSON. Mr. Chairman, if the gentleman will yield. In reply to his contention, the amendment does not repeal existing law.

Mr. ZIHLMAN. It changes the policy.

Mr. HUDSON. Therefore, under the citation of the Holman rule the gentleman is in error. It limits how the appropriation shall be used.

Mr. HILL of Maryland. Let me ask the gentleman from Michigan whether it is not true that in the last District appropriation bill, after we went over the whole matter for practically a whole day, and after a part of the points of order went over for decision until the next morning, this wording was put in giving that privilege?

Mr. HUDSON. It was not the wording of this amendment. Let me call the attention of the Chair to the following citation under paragraph 825 of the Manual and Digest:

The limitation may also withhold the money from a part of a designated purpose while appropriating for the remainder of it.

It is clearly in order.

Mr. HILL of Maryland. Mr. Chairman, I submit that does not come under the citation the gentleman has just read. This is not cutting out all of the schools. If the gentleman's amendment had said that there shall be no schools below the ninth grade, that would possibly have come under the limitation rule. This does not cut down those schools. If the gentleman proposes cutting out entirely all of the District schools under the ninth grade, that is a limitation, but he does not. He keeps existing schools and excludes a certain class of pupils from going to them.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. BLANTON. If the gentleman from Maryland and his colleague [Mr. ZIHLMAN] want the Maryland children to come to the Washington schools at the expense of the Washington people, why do they not have them move out of Maryland and into the District of Columbia?

Mr. ZIHLMAN. What has that to do with the point of order?

Mr. BLANTON. I am arguing my side of the point of order. I am trying to keep all of those above the ninth grade from coming in here under the gentleman's amendment.

Mr. HILL of Maryland. In view of the fact that the gentleman from Texas considers this proposed amendment is subject to the point of order, I shall not go into the matter further.

Mr. HOCH. Mr. Chairman, merely as a parliamentary matter, I call the attention of the Chair to the exact wording of the amendment. The gentleman from Michigan [Mr. HUDSON] evidently intended to limit the appropriation to this bill, but under the form in which he has submitted it, it becomes permanent law for all future appropriations. He does not say "appropriations herein provided," but it simply says "appropriations for the public schools shall not," and so forth. Plainly the form in which he offers it would not be a limitation simply on this appropriation, but a limitation on all future appropriations, and he would have to modify it to have it apply to the appropriations herein.

Mr. HILL of Maryland. I think the point the gentleman suggested is a further and very strong additional point.

Mr. HUDSON. Mr. Chairman, I am not sure but what the gentleman is correct.

The CHAIRMAN. Does the gentleman from Michigan concede the construction put upon the language by the gentleman from Kansas is possible?

Mr. HUDSON. It should be.

The CHAIRMAN. In that case it is clearly subject to the point of order on that ground.

Mr. HUDSON. I desire to modify the amendment.

The CHAIRMAN. The Chair sustains the point of order of the gentleman from Kansas [Mr. HOCH] to the amendment as submitted.

Mr. HILL of Maryland. Mr. Chairman, I made the point of order—

Mr. HUDSON. Mr. Chairman, I desire to submit the amendment in the following words.

The CHAIRMAN. The gentleman from Michigan offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HUDSON: Page 43, line 15, after the word "tuition," insert the following: "Provided, That no part of the appropriations made for the public schools for the District of Columbia herein

contained shall be used for the instruction of pupils who dwell outside the District of Columbia below the ninth grade."

Mr. HILL of Maryland. Mr. Chairman, I make the point of order that the amendment is not germane and is legislation upon an appropriation bill and changes existing law so that it is not a limitation as to expenditure, but a limitation as to the ages of the children who shall attend the public schools.

Mr. BLANTON. Mr. Chairman, I make the further point of order that it is not a limitation, because it would permit the children above the ninth grade living outside the District of Columbia to attend the schools here, and that is a change of existing law.

Mr. HUDSON. Mr. Chairman, in reply I contend that it does not change existing law, but it does clearly make a limitation upon this appropriation and has been held by the present chairman under the consideration of the District bill last year as being in order.

Mr. ZIHLMAN. Mr. Chairman, I desire again to call attention to the Chair that it is not only a limitation as to expenditure, but it is a limitation as to the age of the children who shall attend the public schools, and clearly a matter of legislation, without it being clearly shown to be a retrenchment of expenditures.

Mr. HILL of Maryland. I make the further suggestion to the Chair that this particular paragraph sought to be amended does not contain an appropriation, and the modified amendment improperly describes an appropriation. This paragraph contains no appropriation at all, and therefore it is meaningless.

Mr. HUDSON. If the gentleman would allow me to argue the merits of the amendment, I can clearly show it does save.

The CHAIRMAN. The Chair is ready to rule. This amendment is offered to the following paragraph of the bill:

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

That paragraph, in the opinion of the Chair, would have been subject to a point of order if a point of order had been made against it, because it is clearly legislation upon an appropriation bill, not involving any retrenchment or limitation of expenditures. The rule is that a paragraph subject to a point of order, retaining its place in a bill without having been challenged by a point of order, is subject to germane amendments, and germane amendments are in order even though the original independent proposition might have been subject to a point of order. It seems to the Chair that the language in the paragraph of the text opens up the schools of the District to all children of officers and men of the United States Army, Navy, and Marine Corps, and other employees of the Government stationed outside the District of Columbia in all grades, in all departments of the public schools of the District. The amendment offered by the gentleman from Michigan [Mr. HUDSON] proceeds to limit that general permission so as to exclude the instruction of pupils below the ninth grade. The limitation provides, substantially, that no part of the appropriations in this bill shall be available for pupils below the ninth grade.

The District of Columbia appropriation act, approved March 3, 1925, contained the following paragraph:

The children of officers and men of the United States Army and Navy and children of other employees of the United States stationed outside of the District of Columbia shall be admitted to the public schools without payment of tuition.

Similar provisions were contained in District appropriation acts approved March 3, 1917, August 31, 1918, July 11, 1919, and in the urgent deficiency act of March 28, 1918.

The similar provision in this bill extends the privilege so as to include children of officers and men of the Marine Corps and is, therefore, in its entirety, under the precedents, itself legislation and, as already suggested, would have been subject to a point of order, if one had been made. The pending amendment is germane to the paragraph to which it is offered and, in the opinion of the Chair, is a limitation upon the appropriation in this bill for the purposes stated in the paragraph in question and also upon expenditures under the broader provision contained in the District of Columbia appropriation act approved March 3, 1915, which reads:

Hereafter all pupils whose parents are employed officially or otherwise in the District of Columbia shall be admitted and taught free of charge in the schools of said District.

The pending amendment is clearly a limitation upon this last broad provision as well as upon the narrower one in this

bill permitting parents of children not residing in the District to send their children to the District schools.

As it stands, the text in the bill permits the appropriation to be available for all grades and all departments of the public schools in the District of Columbia to the children therein described, and the gentleman's amendment takes out of the provision in the text all grades below the ninth grade. The Chair therefore overrules the point of order.

Mr. HUDSON. Mr. Chairman, speaking now of the amendment I offer, this amendment seeks only the betterment of the schools of the District.

The CHAIRMAN. It is a limitation on this appropriation.

Mr. HUDSON. I am somewhat familiar with the schools of the District, because in my period of service here I have had children in the public schools here. My home is next to the Emily V. Brown Grade School, where there are two portable buildings in crowded condition. The conditions that exist there exist elsewhere in other schools throughout the District.

Last year, in the consideration of the District appropriation bill by the House, it was brought out that at that time there was an overpopulation in the schools of the District, and these questions were asked and answered. I quote from the hearings on the bill. I read:

Mr. COLLINS. I want to know also, if you can tell me offhand, how many children that should attend schools in Maryland, Virginia, and elsewhere attend schools here, and how much would be saved if they were eliminated.

Doctor BALLOU. I have a memorandum of that, showing the enrollment of nonresident pupils.

The total number of nonresident pupils on January 1, 1926, in the District was 3,072.

Mr. FUNK. Out of a total of how many?

Doctor BALLOU. Seventy thousand and over. Two thousand two hundred and one come from the State of Maryland, 806 from Virginia, 14 come from New York, 9 from Pennsylvania, 7 from North Carolina, 4 from Ohio, 3 from South Carolina, and so on through the list.

Mr. COLLINS. Doctor, what do you think about the propriety of the District of Columbia furnishing school facilities to those nonresident children?

Doctor BALLOU. I have never taken any position with respect to that particular matter. It has seemed to me that the question of whether they should be admitted or whether they should be admitted and required to pay tuition was a matter that the commissioners and Congress should determine. We have tried to accommodate them in accordance with the legislation which Congress has enacted.

Mr. COLLINS. Approximately how much does it cost the District and the Federal Government to furnish school facilities to this number of pupils?

Doctor BALLOU. If all of these persons paid tuition at the rate of actual cost, they would pay \$274,005.80. That is the cost of instructing these nonresident children.

Mr. FUNK. How do you arrive at the per capita cost?

Doctor BALLOU. It is figured on the basis of the actual cost. The financial office takes the total appropriations for teaching service and figures the per capita cost on normal schools, senior high schools, and junior high schools throughout the District.

Mr. FUNK. Does that include coal and janitor service?

Doctor BALLOU. I think not. I think it includes only the teaching service.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield there?

Mr. HUDSON. Yes.

Mr. WOODRUM. Has the gentleman any information showing how many children of Members of Congress attend the schools in Washington?

Mr. HUDSON. Only what I have mentioned.

Mr. WOODRUM. Is any charge made to Members of Congress who have children attending the public schools?

Mr. HUDSON. I assume that many of the children of Congressmen attend private schools. But probably nine-tenths of the Members of Congress whose children attend the public schools in Washington own property here and pay taxes.

Mr. BLANTON. Mr. Chairman, will the gentleman yield right there?

Mr. HUDSON. Yes.

Mr. BLANTON. There is a difference between a Member of Congress receiving \$10,000 and spending about \$10,000 among the people of Washington, to the benefit of those people, and somebody living in Maryland or Virginia, from whom the District of Columbia receives very little of their earnings. There is quite a difference.

Mr. HUDSON. If I may proceed for a moment, if the gentleman will allow me, this is to give to the children that must live in the District of Columbia better school facilities. The half-time schools and the portable schools and the congested

condition I have spoken of are in the grades for which I am pleading. Above the ninth grade we concede there is not a congested condition within the District, and if these outlying communities in Maryland and Virginia can not provide high schools there is nothing in this amendment that will prevent their coming in and taking advantage of the District schools.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HUDSON. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. HUDSON. But, Mr. Chairman, I do contend that the first duty of this Congress and this committee is to the children who live within the District and who can not go to the schools that are outside, and I do contend that it is the duty of the residents who live in the adjacent States of Maryland and Virginia to see that school facilities are provided for their children. They pay taxes in those States and they should see to it that those States build these elementary schools and provide there schoolroom and facilities for their children from the kindergarten grade up to the ninth grade.

This amendment, Mr. Chairman, will release to the schools of this District an equivalent of 10 eighth-grade schools, and that is where relief is needed and that is where it ought to be given. It is folly, it is unwise, and it is taking money away unjustly from the taxpayers of this city for the purpose of providing elementary school facilities for people who live outside the District.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. HUDSON. Yes.

Mr. HILL of Maryland. This provision on page 43 only gives rights to children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside of the District of Columbia. It does not apply to ordinary citizens of Maryland or Virginia or anywhere else. No one contends that the children of citizens of outside States should come into the schools of the District of Columbia, but here is a particular and peculiar situation.

Mr. SIMMONS. If the gentleman will permit, the fact remains that 3,000 children are coming in from Maryland and Virginia whose parents are citizens of those two States and reside there.

Mr. HILL of Maryland. No, no. The statement is not that they are citizens, and I think the gentleman will find that there are very few, and practically none, who are citizens of those States.

Mr. SIMMONS. But they have their residence there.

Mr. HILL of Maryland. They are residents there; yes.

Mr. SIMMONS. And they pay taxes there.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. HUDSON. Yes.

Mr. MOORE of Virginia. Just take this illustration: It happens that my district is very near the District of Columbia, and in that district there are two Army posts and one Navy post. I take it for granted that quite largely the children who come in from Virginia are children whose parents are officers or men residing at those posts.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. HUDSON. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Will the gentleman from Michigan permit me to finish the statement I was about to make?

Mr. HUDSON. Yes.

Mr. MOORE of Virginia. I have in mind Fort Myer, Camp Humphreys, and the marine camp at Quantico. I take it for granted, although I have no exact information on the subject, that the children of officers and enlisted men at those places come into the District of Columbia to attend school, and certainly they are as much entitled, in my humble judgment, to attend the schools here as the children of Members of Congress.

Mr. HUDSON. The gentleman would not want this committee to understand that the primary children from Quantico come here to the elementary schools?

Mr. MOORE of Virginia. I do not know the facts, but I have no doubt they do.

Mr. SIMMONS. Let me suggest that there is no attempt to shut those children out.

Mr. MOORE of Virginia. I think children of all ages come in from those places. Of course, I do not intend to say I have looked into the matter so as to give definite information, but I have no doubt of that.

Mr. HUDSON. Will not the gentleman from Virginia admit that of the 3,500 or 4,000 nonresident pupils who come to the District of Columbia schools a very small number come from these Army posts?

Mr. MOORE of Virginia. I was speaking about Virginia.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. HILL of Maryland. Mr. Chairman, I ask recognition in opposition to the amendment.

The CHAIRMAN. The gentleman from Maryland is recognized in opposition to the amendment.

Mr. BLANTON. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. BLANTON. Where do the 2,200 children of the gentleman from Maryland come from?

Mr. HILL of Maryland. The gentleman from Maryland does not have 2,200 children. That is the number of children that come from Maryland.

Mr. BLANTON. I refer to the 2,200 children from Maryland; they really belong to the two gentlemen from Maryland.

Mr. HILL of Maryland. I personally can not see any reason why the children of Members of Congress—and I will say that my three children go to private schools, so that I am personally not interested—can get school privileges here, whereas the children of men employed in the navy yard, who live just across the line in Maryland, the children of an Army sergeant at Fort Myer, who lives just across the line, or the children of men who are employed at the agricultural station just outside of Washington, and who live in little cottages around there—I can not see any reason why the children of those men should be refused the privileges of the schools here when the children of Members of Congress have those privileges.

Mr. BLANTON, Mr. FUNK, and Mr. HUDSON rose.

Mr. HILL of Maryland. Mr. Chairman, I yield to the gentleman from Texas.

Mr. BLANTON. There used to be hundreds of commuters from Baltimore come to Washington daily to perform work here. Would the gentleman hold that they should have the right to live in Baltimore and send their children to the Washington schools, simply because they do a little business in Washington, although they pay their taxes in Maryland? And would the gentleman have the people of Washington taxed to provide them with school facilities?

Mr. HILL of Maryland. Is the gentleman referring to employees of the United States Government?

Mr. BLANTON. There are such people who have no connection with the United States Government who bring their children to school here from Maryland.

Mr. HILL of Maryland. Then the question of the gentleman answers itself, because this only refers to children of officers, enlisted men, and employees of the Government.

Mr. BLANTON. This is a new clause that is sought to be put in, in addition to the present law.

Mr. HUDSON. Will the gentleman yield?

Mr. HILL of Maryland. I now yield to the gentleman.

Mr. HUDSON. I would like to ask the gentleman a question in line with the query of the gentleman of a moment ago. Does the gentleman propose that we shall tax the people here in the District of Columbia for the elementary education of children simply because their parents live in Maryland any more than he would tax the people here for the elementary education of the children whose parents are employed by the Government but who live in New York State?

Mr. HILL of Maryland. Of course not.

Mr. HUDSON. The matter is not equitable and the gentleman knows it.

Mr. HILL of Maryland. What the gentleman is proposing is that the children of Government employees who happen to live on the outskirts of the District shall not be deprived of the privilege of going to school here, which privilege the gentleman's children would have if they wanted to exercise it. I can not see any difference.

Mr. BYRNS. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. BYRNS. Taking the view of the gentleman from Maryland, if the gentleman puts it upon the ground that because they are Government employees their children are entitled to such education, does not the gentleman think in all fairness the Government should pay for their education and not require the taxpayers of the District of Columbia to pay for it?

Mr. HILL of Maryland. I think the Government does a good deal for the taxpayers of the District of Columbia, and I have

not heard any complaint from the taxpayers of the District about paying this.

Mr. BYRNS. I have heard some of them object.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL of Maryland. Mr. Chairman, I ask unanimous consent to proceed for two more minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HILL of Maryland. Mr. Chairman and gentlemen, I do not propose to take up the time of the committee with much further discussion of this matter. I only want to say two things.

This does not apply to children of Maryland or Virginia or to citizens of Maryland or Virginia. By the very nature of the situation, there are probably very few of these employees who happen to live just outside the District who are citizens either of Maryland or of Virginia. They are here for more or less temporary duty, especially the children of officers and enlisted men. For instance, take Fort Myer. There are any number of enlisted men there whose children come to school in the District. Morning after morning I have seen busses filled with little children coming to school here and they are children of enlisted men. There are no school facilities at Fort Myer. There are no school facilities at Fort Humphreys. I am sure you do not want the Government to maintain a separate school at each one of these places, and I submit it is a very unfair thing not to adopt this proposal. It is simply a question of protecting the children of enlisted men, officers, and employees of the Government.

Mr. HUDSON. Will the gentleman yield again?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL of Maryland. I can not yield further. My time is up.

Mr. BYRNS. Mr. Chairman, I do not want to take up the time of the committee, but this matter appeals to me as simply a question of fairness to the taxpayers of the District of Columbia. It is eminently unfair for Congress, because it has the power to do so, to make the taxpayers of the District of Columbia pay for the tuition of some 3,000 children who live outside of the District.

What would you say if an adjoining State was to seek to send its children over into your State to its free schools at the expense of its taxpayers?

These people live in Maryland and in Virginia. That is their privilege. If there were no homes in the District of Columbia, if there was no unoccupied territory in the District of Columbia and they were compelled to go over into Maryland or into Virginia, then I could see some point in the argument made here by the gentlemen; but they go over there for one reason or another. Perhaps it may be cheaper for them to live outside of the District of Columbia than to live within the District of Columbia, but whatever the reason, they prefer to go over into Maryland or into Virginia to live.

Under those circumstances, is it fair when they pay taxes over there, when they spend their money for groceries and other supplies over in those States, to say to this District that it must undertake the education of their children?

The gentleman from Michigan read a statement here a moment ago from Doctor Ballou in which he said some \$270,000 was involved in this proposition.

Mr. BLANTON. Just for teachers alone.

Mr. HUDSON. It is even more than that now because of the increase in the number of students.

Mr. BYRNS. Yes.

Mr. HUDSON. The number of children of Army officers would be a mere bagatelle.

Mr. BYRNS. The committee voted a moment ago to deny this District 74 more teachers. And now it is contended that 3,000 children, principally from Maryland, should be permitted to continue to crowd the schools of this city at the expense of the District treasury. Why should not Maryland be expected to provide proper educational facilities for the children who live in that State, just as the District and your State and mine provide for the children who reside within their respective borders?

The gentleman from Maryland says he has heard no protest. I have had complaint made to me by residents of the District that there are many children going to school only part time. Why? Because the District does not have the proper facilities to take care of them. Yet under these circumstances we are denying full tuition. We are denying the benefits of education to these children because we are taking care of 3,000 children

from outside of the District. I do not think that is fair to the taxpayers of the District of Columbia.

Mr. BLANTON. And they are growing all the time in numbers, because when I checked up in 1921 there were from Maryland and Virginia 2,485, and since that they have grown to more than 3,000.

Mr. BYRNS. The gentleman from Maryland based his whole argument that the children from his State were entitled to free tuition in the District of Columbia at the expense of the taxpayers of the District of Columbia because there are Army officers and soldiers over at Fort Myer and Fort Washington. I dare say that if you should offer an amendment here now to the amendment of the gentleman from Michigan permitting the children of those officers to come in free he would fight that unless it included the children from his own State. I think this is a question of fairness.

I have no interest in this matter, but I do know that there are people in the District of Columbia who object very seriously to being required to pay out of the Treasury money to educate the children of those who live in the border States. They do not have to live there, they can move back here. There is a lot of vacant land yet in the District of Columbia. If they live in Maryland and pay taxes there, then Maryland should provide school facilities for them.

Mr. HUDSON. Would not every Member of Congress, if his children had only part-time schooling, object?

Mr. BYRNS. I think they would. There is not a man on the floor who, if he had a child attending school, and if his child was required to go to a portable schoolhouse, and then only part time because of lack of sufficient school facilities, would not object to educating 3,000 children who live outside of the District of Columbia. It is just that which has caused the present congestion in the Washington schools.

Mr. COYLE. Will the gentleman yield for a question?

Mr. BYRNS. Yes.

Mr. COYLE. Where children go from one school district into another school district in my State, they ordinarily pay the tuition in the school district to which they are transferred.

Mr. BYRNS. That is true in my own State. They have to pay tuition in the high schools at Nashville when they come from outside.

Mr. KETCHAM. Is that hardly a fair comparison because of the fact that the United States Government pays \$9,000,000 in a lump sum as a contribution to the expenses of the District of Columbia, and I assume that \$3,000,000 of that is for school purposes?

Mr. BYRNS. And some of the gentlemen who are now protesting against the amendment say that \$9,000,000 is not a sufficient amount for the Government to contribute. They would go further, and if they had the power would make the contribution 50-50 or 40-60. They say that the \$9,000,000 is not as much as the Government of the United States ought to pay, and yet they wish to put the burden of educating 2,000 children who live outside the District on the District taxpayers.

Mr. KETCHAM. Does the gentleman really think there is very much sound basis for all the talk by the citizens of Washington complaining against real-estate taxes, when it has been shown that in States where Members come from the school taxes are two or three times as large?

Mr. BYRNS. Oh, I am in thorough accord with the gentleman from Michigan as to that. But this is a question whether you will take the revenues of the District of Columbia to educate children of other States or children of parents who live in other States and who pay their taxes into the revenue of other States.

Mr. TINCHER. Mr. Chairman, I move to strike out the last word. As I understand the law, the only exception to the general rule is for Army officers or other employees of the Government, and the employee must be working in the District of Columbia. Is that correct?

Mr. SIMMONS. Employees of the Government or otherwise employees in the District of Columbia. That means if a man lives outside and brings a quart of milk into the District every day he is an employee of the District.

Mr. TINCHER. That should not be the law. It should be the law that if a man is employed by the Government, working in the District of Columbia, he should not be penalized for going outside the borders of the District and trying to live within his means. He should be allowed to send his children to school. I consider the gentleman's amendment most unreasonable, because it even discriminates against children on account of their age.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. HUDSON. Is it not a fact that in communities just over the District line in these States where there are elemen-

tary schools with room enough for the pupils those very pupils are not going into those schools but are coming into the District schools, where they have part time?

Mr. TINCHER. I do not understand that to be the fact.

Mr. HUDSON. That is true. I live next to the District line and I know.

Mr. TINCHER. I know a man who came here to work for the Government. We need these men and we pay them reasonable salaries. I have in mind now one from my own State who lives over the District line. There is no school there where he lives. He went into that section of the country where they did not have a school in order to get a cheap place to live. Two of his children would go to school next winter and three would stay at home under this fool amendment. If you want to fix the law so that no child but the child of a Government employee who is at work in the District of Columbia and the children of Army officers can go to school in the District, I shall vote for that, but to vote and say that the man can not send his children to school after we encourage him to go over there and build his home—and I doubt very much about his paying taxes—is nonsensical, to my mind. I have in mind two cases where I know the men who went over there. I admire their thrift for going outside of the District of Columbia; I admire their ambition to send their children to school; but I would hate to see a fool amendment passed here that would mean that they must either move back to the District or not send their children to school.

Mr. LINTHICUM. Mr. Chairman, I think the gentleman has been misinformed as to what the bill provides. He includes only Army officers and men of the United States Navy and Marine Corps and the children of employees of the United States Government.

Mr. TINCHER. I know; but the gentleman from Nebraska [Mr. SIMMONS] says that the general law has been construed in another way. If so, let us amend the general law, but do not let us by amendment exclude a lot of children under the ninth grade from going to school for a year or two.

Mr. SIMMONS. Mr. Chairman, for the information of the gentleman from Maryland [Mr. LINTHICUM] the substantive law of the District is—

Hereafter all pupils whose parents are employed officially or otherwise in the District of Columbia shall be admitted and taught free of charge in the schools of said District.

That means that employees of the business firms who live in Baltimore can bring their children here if they want to and put them in the schools. It means that your dairyman in Maryland who delivers a quart of milk daily in the District of Columbia can bring his children here under this law and put them in school.

Mr. LINTHICUM. But you are limiting it in this bill, and the Chairman held that if the point of order had been made against the paragraph he would have sustained it. You are limiting it now to employees of the United States.

Mr. SIMMONS. It in no wise affects this. This is for employees of the Government who may be stationed at points outside of the District of Columbia.

Mr. LINTHICUM. Mr. Chairman, only a short while ago we heard the gentleman from New York [Mr. GRIFFIN] make a strong plea for 74 more teachers. The argument of the committee against his amendment at that time was that we did not need them and voted down the gentleman's amendment.

Mr. FUNK rose.

Mr. LINTHICUM. Mr. Chairman, I do not want to yield now.

Mr. FUNK. But the gentleman does not want to make a misstatement.

Mr. LINTHICUM. The gentleman can correct me afterwards just as well as now. Now, when they talk about these Maryland and Virginia pupils who are coming into the District to school, they say that the schools are overcrowded. What are the facts? There are about 2,200 pupils from Maryland and about 800 from Virginia who attend the schools here in the District.

The total number of pupils in the schools of the District is 74,000 plus, so that if you should see a class of 25 students you may find one Maryland or Virginia pupil in that class. That is a very small proportion, when you consider their parents are employees of the Government or doing business in the city of Washington, when they are spending all of their money with the people of Washington, and note this, when perhaps many of them own property in the District of Columbia and are paying school taxes here. It seems to me we ought not to have to fight this thing over every session. I thought that we had settled this question after the long, brave, and drag-out battle of the last session. It seems to me wrong to exclude from the schools, here in the District, children whose parents are employed almost

entirely by the United States Government and who have gone out there to the outlying districts in order to get a little cheaper rent, in order to make their budgets meet by lessening expense, or by having a garden in which they can raise some of their own food, and the benefits of God's sunshine and pure air. I am always reminded of what was said about living in these contiguous homes with windows only in the front and back. The remark was, "Why live in tunnels"? The District of Columbia is enjoying the roads and parks in Maryland and of Virginia and the citizens of the District have every advantage in both those States that the citizens of the States have, yet you want to exclude the children from an education. According to the amendment, if they are already up to the ninth grade, you will admit them, but if they have no education it keeps them out.

Mr. GAMBRILL. And will not the gentleman call attention to the fact that there are a large number of pupils whose parents live in the District of Columbia who are attending public schools in Maryland. They attend by the hundred in Prince George's County alone.

Mr. LINTHICUM. Yes. They go to the nearest schools and we do not prevent them. There is Camp Meade, Camp Holabird, Aberdeen proving ground, Edgewood Arsenal, and other places which are excluded from taxation because they belong to the United States Government, and yet the children of people employed there attend the Maryland schools by the hundred.

Mr. HUDSON. Is it not true of every State in the United States?

Mr. LINTHICUM. I am satisfied Michigan has been fair in this matter, as well as the District of Columbia. Why try to draw the line at the District of Columbia?

Mr. HUDSON. It has been intimated by the gentleman that if a charge of tuition was made to come it would be fair, but it is not the question. That would not affect the children who have half-time tuition. It is a question of room here. It is not a question of tuition at all, but a question of room.

Mr. LINTHICUM. If my language expressed such an idea I did not intend to intimate they ought to pay tuition. I have been a school-teacher myself and I have had 30 to 40 pupils in my class, and according to the average attendance here in the District they only have 27 basing that on average attendance, and according to the total enrollment you only have 31. I have taught from 35 to 40 and I did not complain.

I tell you, gentlemen, the future of this country of ours depends on the education of the people, their ability to study those things necessary to good government, the ability to differentiate the good from the evil; so let us extend, rather than contract, the opportunities for an education. [Applause.]

Mr. KETCHAM. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, again I want to stand here and plead for the boys and girls who are affected by this amendment. I also want to stand here and plead for the young men and women, the fathers and mothers of these growing families who have moved out of the District, as suggested, in order that they might avail themselves of the privilege of living cheaply and at the same time educate their boys and girls. This heated discussion may appear to be but a tempest in a teapot, a very small matter, but I think it would be a great tragedy if this amendment prevailed. If the key is turned in the door against the admission of these boys and girls for the next two or three years until some school adjustments can be made in these communities, and if provision is not made for temporary facilities these children will not have an opportunity to continue their education.

Mr. HUDSON. Will the gentleman yield?

Mr. KETCHAM. I beg pardon—

Mr. HUDSON. I noticed the gentleman from Michigan asked other people to yield to him.

Mr. KETCHAM. And they did not yield and I am extending them the same courtesy they extended to me. I would gladly yield for a question but I think the gentleman really wants to argue against me in my own time. I am stressing this point which I do not want you to miss. When you turn the key against any boys and girls of the country you are doing damage that can not be measured in dollars and cents. And for sane, sensible men, like we ought to be and are supposed to be, to raise the tax issues as a reason for this amendment seems to me all out of place. We recognize in America that one of the most priceless privileges that can come to any boy or girl is to have an opportunity to gain an education. In that spirit I sincerely hope this amendment may be rejected and these boys and girls in the immediate future may continue to have the present school opportunities.

Mr. VESTAL. Will the gentleman yield?

Mr. KETCHAM. I will.

Mr. VESTAL. Does not the gentleman think if there is any objection to this amendment at all the main one is that we permit one class of children to come into the schools and keep out the other class. The little fellows are being kept out of the schools and the larger folks permitted to come in.

Mr. KETCHAM. I thank the gentleman for the suggestion. That is the point exactly.

Mr. HUDSON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair did not intend to indicate that the time of the gentleman had expired, but was trying to procure order in the committee.

The gentleman from Michigan has one and one-half minutes remaining.

Mr. KETCHAM. Mr. Chairman, I yield back the balance of my time.

Mr. FUNK. Mr. Chairman, I move that all debate on this amendment close in five minutes.

Mr. BLANTON. I wish the gentleman would make that 10 minutes. I want five minutes. I have an amendment I desire to offer to the amendment of the gentleman from Michigan.

Mr. FUNK. I will make my motion 10 minutes.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this amendment close in 10 minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. BLANTON. I have an amendment to offer to the gentleman's amendment: Strike out the "ninth" grade and insert in lieu thereof the "first" grade in the gentleman's agreement.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment offered by Mr. HUDSON: In the last line of the amendment, strike out the word "ninth" and insert in lieu thereof the word "first."

Mr. BLANTON. Mr. Chairman, the amendment of the gentleman from Michigan will not do what he wants done. It will, on the other hand, cause a great deal of injustice, and I shall not support it.

But I want to say this: This practice of outsiders educating their children in the District of Columbia at the expense of the taxpayers of the District of Columbia ought to be stopped. But it ought to be stopped by proper legislation and in an orderly way. It will not be stopped by the amendment of the gentleman from Michigan.

I want to call attention to a concrete case to show you just what is going on at present. If you will go out here in Maryland to the little town of Berwyn, 10 or 12 miles from Washington, you will find people who have been living in Berwyn for 15 years, who own their homes in Berwyn, who buy their groceries in Berwyn, who buy everything they need for their households in Berwyn, who employ the local doctors in Berwyn, and who do nothing for the benefit of the people of Washington except to work here in the daytime, yet who have educated their children here in Washington at the expense of the District taxpayers. Is that just and fair and reasonable to ask the taxpayers of Washington to do that?

I agree with the gentleman from Tennessee in what he said a few minutes ago, that if we ask them to do it, the Government ought to pay for it, and we ought not to ask the taxpayers of the District of Columbia to dig up educational funds for the education of people living in Maryland and Virginia.

I was the first man who went to Mr. Ballou and had the outside children checked up. That was back in 1921. At that time the total number of children who attended the Washington schools from Maryland and Virginia combined was 2,485. That number has grown, and this year from the State of Maryland, from which my friend Mr. ZIHLMAN comes, there are over 2,200. That is, from the State of Maryland there are over 2,200, and there are 800 more from Virginia. It is not fair.

The legislative Committee on the District of Columbia ought to attend to it, but how on earth are you going to have that committee attend to it when our chairman is the gentleman from Maryland [Mr. ZIHLMAN], who wants this condition to continue? How are you going to get proper legislation from that committee when he does not want the legislation? You never will get it. But some committee of this House ought to take up the matter in the proper legislative way and bring in legislation here to change it.

Mr. Chairman, I ask leave to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. HUDSON. Mr. Chairman, I want my colleagues to look at this thing fairly and not in the spirit of my colleague from Michigan [Mr. KETCHAM]. I believe as much in education as does my colleague from Michigan. I am a salaried man. Out of my salary I have put four children through college and expect to put two more. I would like to see every child get an education. I do not want the children of Washington, however, to go to half-time schools when this legislation will give them full time and still not deprive any other children of the opportunity to attend schools outside the District. I do not believe these outside people can of themselves build high schools, but they can build elementary schools.

My home is out near the Chevy Chase District line. Out there they have wooden portable buildings. We can not have permanent buildings because of lack of funds. It is the addition of children from Maryland, over the line, which tends to crowd the rooms. They say they want to attend the District schools.

Mr. Chairman, I do not think it will work a single hardship, but, on the other hand, I think it will save money to the taxpayers of the city; and more than that, it will give the children of the elementary grades full time for education.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. Yes.

Mr. BARKLEY. I think it is a fact that the majority of the children who attend the public schools never get beyond the ninth grade. Why does the gentleman seek to make flesh of one class and fowl of another?

Mr. HUDSON. Simply because there are schoolrooms enough for the high-school grades, so that additional rooms for them are not pressing in the high schools, but the crowded schools are those of the small elementary grades which are attended by children from outside, on the edge of the District.

Mr. BARKLEY. Does not the gentleman think it more important that all the children should be educated up to the ninth grade than that a few should be educated above that grade?

Mr. HUDSON. I am not questioning the right, but the children who live within the District of Columbia all ought to be able to go to school.

Mr. BARKLEY. The gentleman's amendment does not apply to the right.

Mr. HUDSON. Yes; it does apply to the right.

Mr. SIMMONS. Will the gentleman yield?

Mr. HUDSON. Yes.

Mr. SIMMONS. Answering the gentleman from Kentucky [Mr. BARKLEY], I take it the taxpayers and the parents who are furnishing the schools ought to have the prior right to the facilities of the schools for which they pay as against the children of the parents who pay nothing for the schools.

Mr. HUDSON. Absolutely.

Mr. SIMMONS. And that is the contention as to which children shall have the prior right.

Mr. UPDIKE. Will the gentleman yield?

Mr. HUDSON. Yes.

Mr. UPDIKE. The gentleman's amendment as offered does discriminate in this, that it allows children attending schools in the District, above the ninth grade, to come into the schools of the District from Maryland, whereas children attending the lower grades are not permitted to come in.

Mr. HUDSON. Let me tell you the reason why. There are no high schools in these communities, but there are elementary schools. I am for the education of the children and think the children ought to have the benefit of the high schools; but I think these communities, having the elementary schools, should send their children to those schools and not to the schools of the District of Columbia.

Mr. UPDIKE. But the gentleman's amendment does discriminate among a certain class of people.

Mr. HUDSON. No; it does not.

Mr. UPDIKE. It takes away the right of children in Maryland to attend the schools up to the ninth grade, while it allows those attending the higher grades to come in.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken; and there were on a division (demanded by Mr. HUDSON)—ayes 40, noes 37.

Mr. LINTHICUM. Mr. Chairman—

Mr. ZIHLMAN. Mr. Chairman, a parliamentary inquiry. What became of the amendment offered by the gentleman from Texas? Why did we not vote on the amendment offered by the gentleman from Texas?

Mr. BLANTON. Because I withdrew it by unanimous consent.

Mr. LINTHICUM. Mr. Chairman, I object to the vote and make the point of order that there is not a quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count.

Mr. FUNK. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late, because business has intervened. There has been debate, and the gentleman from Maryland has slept on his rights. He did not object at the proper time.

The CHAIRMAN. The Chair will not hold that the point of order came too late.

Mr. FUNK. Mr. Chairman, I make the point of order against the point of order made by the gentleman from Maryland because business intervened. There was some question as to what disposition had been made of the amendment offered by the gentleman from Texas?

Mr. WOODRUM. Mr. Chairman, is it too late to ask for tellers?

The CHAIRMAN. The gentleman from Maryland objected to the vote on the ground that there is no quorum present, and the Chair will recognize the gentleman for that purpose.

The Chair does not consider that any business intervened. There was some colloquy as to what had become of the amendment offered by the gentleman from Texas.

Mr. FUNK. If the gentleman was going to object to the vote, he should have objected at the proper time, instead of trying to ask a question as to what had become of some amendment.

The CHAIRMAN. The gentleman from Maryland was on his feet.

Mr. FUNK. He was asking about some amendment.

Mr. ZIHLMAN. No; I asked about the amendment. It was not the gentleman from Maryland [Mr. LINTHICUM] at all.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-one Members are present, a quorum.

Mr. LINTHICUM. Mr. Chairman, I ask for tellers.

Mr. HUDSON. Mr. Chairman, I make the point of order that it is too late to ask for tellers, the vote having been announced.

The CHAIRMAN. The Chair does not think so. The gentleman from Maryland demands tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. HUDSON and Mr. ZIHLMAN.

The committee again divided, and the tellers reported there were—ayes 49, noes 52.

So the amendment was rejected.

The Clerk read as follows:

For the erection of a four-room extensible building in Potomac Heights, \$85,000.

Mr. BARKLEY. Mr. Chairman, I move to strike out the last word.

I am moved to offer this motion in order to make a few remarks upon the architectural design of the public-school buildings in the District of Columbia. I do not know what architect is employed by the school board to design school buildings in this city. My impression is that no architect is employed for the purpose, if I am to judge by the looks of the school buildings in this city.

I doubt whether in the United States there is a city of 25,000 people where a new school building has been erected in the last 10 years where the buildings are as unattractive to the eye as they are in the city of Washington. Eliminating the Central High School Building, there is not a public-school building in the District that looks much better than a livery stable, and this applies to the new buildings as well as to the old ones.

Out here on Calvert Street extended, beyond Connecticut Avenue, a public-school building has been erected. It was opened up this past fall for the use of pupils, and I will challenge anybody on the floor of the House or in the District of Columbia to find a more incongruous looking school building anywhere in the United States.

It does not cost any more money to erect a building that looks well than it does to erect one that looks otherwise, and I am of the impression it will be more economical to build school houses that would be attractive to the eye than to build them unattractively.

I simply want to express a word of protest. Believing in the beauty of the city of Washington, believing that all of its public buildings ought to be designed so as to beautify this great Capital of our Nation, I have felt impelled for a long time to raise my voice in protest against the absolute lack of proper architecture with respect to the school buildings of the city of Washington. [Applause.] Every Member of Congress desires to appropriate money to beautify this city. We are laying out

parks, we are extending the Botanic Gardens, we are erecting monuments all over the city, and we have put on a building program designed to make the city of Washington a city of beauty; a place to be admired by the people who come here year after year and feel proud of their National Capital and of their Government when they have visited Washington; but, certainly, no American citizen can be proud to look at any public-school building here in the District in comparison with the public-school buildings, either high-school buildings or graded-school buildings, of his own town, especially if he resides in a town of 25,000 or 50,000 population. [Applause.]

I hope some movement will be inaugurated here to induce the school board, or whoever has charge of the designing of the public-school buildings in the future, to add a little beauty and attractiveness to these school buildings in order that they may not be eyesores in the city of Washington as they are now.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent that the gentleman may have two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SIMMONS. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SIMMONS. It is my understanding that the plans of these buildings are approved by the Fine Arts Commission, and we are informed by the committee that at times investigates these questions that that is one of the best and finest bodies the world ever knew.

Mr. BARKLEY. I do not know whether the plans of these buildings are prepared by the Fine Arts Commission or not, but I will say that if they are, then there is no Fine Arts Commission in the city of Washington. [Laughter.]

Mr. SIMMONS. I fear the gentleman will be considered sacrilegious in the eyes of some people in the District.

Mr. ZIHLMAN. If the gentleman will permit, the Fine Arts Commission does not pass upon the type of architecture of the schools. The Fine Arts Commission only acts in an advisory capacity as to the placing of statutes on public lands in the District, and several acts of Congress have carried specific provisions with respect to the Fine Arts Commission, for instance, the act relating to the erection of the police court.

Mr. BARKLEY. It is inconceivable that any Fine Arts Commission would have approved the plans of some of the school buildings which I have seen in the District.

Mr. COYLE. Mr. Chairman, I rise in opposition to the pro forma amendment to make this suggestion, as one who voted against the amendment of the gentleman from Michigan.

I think, perhaps, the legislative committee for the District of Columbia noticed the closeness of the vote, even with the few of us here, and will remember that the same question came up last year, and in order that the ghost may be downed, I seriously suggest they consider legislative correction of what is undoubtedly an inequitable condition. The disaster which would be caused by the passage of the amendment, I believe seriously would be a very real one, and the only way to cure a wrong condition without disaster is exactly as suggested by the gentleman from Texas [Mr. BLANTON] to see that it is corrected legislatively in order that we do not work a serious and severe hardship in righting what is now a wrong.

Mr. FUNK. Will the gentleman yield?

Mr. COYLE. Yes.

Mr. FUNK. I want to ask the gentleman if he does not think he is indulging a forlorn hope that any action will come from the District of Columbia legislative committee as long as the children from the district of the gentleman who is the chairman of that committee are now enjoying free school privileges here in Washington. [Applause.]

Mr. ZIHLMAN. Will the gentleman yield?

Mr. COYLE. May I yield to the gentleman from Maryland to answer?

Mr. ZIHLMAN. I will state to the gentleman, that the gentleman from Michigan [Mr. CRAMTON] introduced a bill at this session providing that such tuition should be confined entirely to residents of the District of Columbia, and a subcommittee of which I am not a member, but which is presided over by a Representative from the same State as the distinguished chairman of this committee, after full consideration of the question, after hearing the arguments advanced by the gentleman from Michigan [Mr. CRAMTON] and after interrogating the school officials, unanimously voted to report the bill unfavorably to the full committee.

I will say further that this legislation is entirely unnecessary. The school board last July adopted a resolution that when the number of pupils reached 42 in any schoolroom no further

pupils should be admitted except from the District of Columbia, and when the number of pupils reached 48 the Maryland pupils should be denied tuition. During the past week 30 pupils in one school have been refused tuition. So the legislation which has been proposed here to save a great deal of money, as they say, for the District of Columbia is unnecessary. The school board is taking care of this matter, notwithstanding the fact that they say a great amount of money would be saved.

Mr. COYLE. Mr. Chairman, in answer to the gentleman from Maryland and the chairman of the Subcommittee on Appropriations I want to say that it is my thought that both committees should have cognizance of this matter in order to guard against exactly what your legislative committee does not desire. You will have it before you know it unless it is corrected in some other manner. That is the only word of warning that I want to leave with the House.

Mr. BLANTON. The reason such action is taken by the subcommittee is that our friend from Maryland [Mr. ZIHLMAN], as chairman, appoints his own subcommittees, and he and his Maryland cohorts in Congress, and our distinguished and lovable friend from Virginia [Mr. MOORE] and his Virginia cohorts, will come before the subcommittee and, in a personal way and through ties of friendship, get the committee to shut down on the legislation, and it is not brought in. What we want to do is to shut out the question of friendship and bring in the proper legislation.

The pro forma amendment was withdrawn, and the Clerk read as follows:

#### METROPOLITAN POLICE

##### SALARIES

For the pay and allowances of officers and members of the Metropolitan police force, in accordance with the act entitled "An act to fix the salaries of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," including compensation at the rate of \$1,860 per annum for the present assistant property clerk of the police department, \$2,741,860.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 49, line 12, after the word "department," strike out the figures "\$2,741,860" and insert in lieu thereof the figures "\$2,742,520."

Mr. BLANTON. Mr. Chairman, the purpose of said amendment is to add to the appropriation the sum of \$200 difference between the annual salary of a police captain and an inspector, and to add the further sum of \$460 covering the automobile allowance for an inspector of police. This is to provide for the restoration of Albert J. Headley to his proper rank of captain, from which he was spitefully demoted by former Commissioner Fenning.

In his office some time ago, Commissioner Dougherty promised me that if they had the authority under the law, and were given the money by Congress to pay the difference in salary, the commissioners would right the wrong done, and restore Mr. Headley to his proper rank. The commissioners submitted the question of authority to Comptroller General McCarl, who held that they now have authority without the passage of additional law, to make Headley an inspector, and they have already enough money for same up to July 1 of this year. This amendment will give the money for next year.

I have talked the matter over with the chairman of the committee. There is law for it now, and this is agreeable to the committee. The chairman of the committee very kindly agreed that the amendment would be accepted.

I believe that the entire membership of this House wants to see that justice be done Inspector Headley, and that the wrong done him be righted. I hope that no one will object to the amendment, and that it may pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

The Clerk read to page 64, line 5, of the bill.

Mr. FUNK. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDELOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16800) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of such District for the fiscal year ending June 30, 1928, and for other purposes, and had come to no resolution thereon.

## URGENT DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I present a conference report on the bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes, for printing under the rule.

The conference report and statement are as follows:

## CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, and 6, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following: "\$1,500,000" and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 4, 7, 8, 9, and 10.

WILL R. WOOD,  
LOUIS CRAMTON,  
JOSEPH W. BYRNS,

*Managers on the part of the House.*

F. E. WARREN,  
CHARLES CURTIS,  
LEE S. OVERMAN,

*Managers on the part of the Senate.*

## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1 and 2, relating to the Senate: Appropriates \$10,000 for payment to the daughter of Hon. A. B. Cummins, late a Senator from the State of Iowa, and \$10,000 for payment to the widow of Hon. B. M. Fernald, late a Senator from the State of Maine.

On No. 3: Appropriates \$5,000, as proposed by the Senate, for alterations in the Senate Office Building.

On No. 5: Appropriates \$2,300 for restoration of tide-gauge stations of the Coast and Geodetic Survey at Daytona Beach, Fla., and San Francisco, Calif., as proposed by the Senate.

On No. 6: Appropriates \$35,000, as proposed by the Senate, to defray expenses incurred in connection with fighting forest fires on Indian reservations and allotments.

On No. 11: Appropriates \$1,500,000, instead of \$1,700,000 as proposed by the Senate, for the acquisition of a site for a building for the Supreme Court of the United States.

The committee of conference have not agreed on the following amendments:

On No. 4: Ratifying the action taken by the Secretary of Agriculture in using funds appropriated for eradication of foot-and-mouth disease for the purpose of making loans in Florida to the owners of crops and livestock damaged or destroyed by the hurricanes of September, 1926.

On No. 7: Appropriating \$55,288.88 from Indian tribal funds and crediting accounts of disbursing officers of the Interior Department for expenditures incurred in fighting forest fires on the Klamath, Colville, and Yakima Indian Reservations.

On Nos. 8 and 9: Prohibiting the expenditure of any part of the appropriation for refunding internal-revenue taxes illegally collected for the payment of any claim in excess of \$50,000 until such claims shall be approved by the Comptroller General of the United States in accordance with existing law.

On No. 10: Striking out the paragraph inserted by the House to establish a method to safeguard the refund of taxes imposed

upon the sale by the manufacturers of certain automobile parts and accessories under the revenue acts of 1918, 1921, and 1924.

WILL R. WOOD,  
LOUIS CRAMTON,  
JOSEPH W. BYRNS,

*Managers on the part of the House.*

## TRANSFER OF PROPERTY IN SAN JUAN, P. R.

Mr. HILL of Maryland. Mr. Speaker, at the request of the gentleman from Michigan [Mr. JAMES], chairman of the Subcommittee on Military Affairs, having the bill in charge, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10728) authorizing the Secretary of War to convey to the Association Siervas de Maria, San Juan, P. R., certain property in the city of San Juan, P. R., disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 10728, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. GARNER of Texas. Let me ask the gentleman if that is entirely agreeable to the minority?

Mr. HILL of Maryland. I understand that it is.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. JAMES, Mr. HILL of Maryland, and Mr. FISHER.

## CONSTRUCTION AT MILITARY POSTS

Mr. HILL of Maryland. Mr. Speaker, at the request of the gentleman from Michigan [Mr. JAMES], chairman of the subcommittee in charge of the bill, I ask unanimous consent to take from the Speaker's table the bill H. R. 15547, an act to authorize appropriations for construction at military posts, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 15547, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair announced the following conferees: Mr. JAMES, Mr. HILL of Maryland, and Mr. McSWAIN.

## SAVANNAH HARBOR

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Savannah Harbor and to print in connection therewith an article from the Savannah Press.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Speaker, the rivers and harbors bill recently enacted and now law carried two items, among others, of great commercial importance to the southeastern section of the United States. The two items I refer to are for the further improvement and development of the splendid harbor at Savannah, Ga.

The first, found in House Document No. 261, Sixty-ninth Congress, first session, is for a short extension of the harbor at a cost of \$190,000, and the other is for a modification of the existing projects as outlined in House Document No. 262, first session of the Sixty-ninth Congress, calling for an expenditure of \$1,420,000. The two items call for a total of \$1,610,000; and this, it is estimated, will not only make permanent and much-needed improvements, but will effect, according to the report of the engineers, an annual saving of over \$100,000 in the upkeep of that important harbor.

Permit me to assure the Congress that the people of that entire section, and especially in Savannah, are grateful for the just recognition given the merits of Savannah Harbor, for there is no more meritorious appropriation in any of the bills than the authorizations carried for this great port.

To start with, a minute survey was made by the Army engineers in charge of that kind of work, and their report to Congress is favorable. They recommend the work as worthy, and recommend the work be done in the interest of the country's commerce. No more able and efficient engineers can be found than those engaged in this branch of the service.

But for the fact that ill-advised and erroneous statements have recently appeared in the RECORD concerning Savannah Harbor, I would not take the time of the House to talk about items that have already been enacted into law.

Briefly, permit me to refer to the project, which will extend the harbor from the upper end of the existing 21-foot project

at Kings Island to the vicinity of the terminal of the Savannah Creosoting Co., and to point out the necessity for it. To start with, our harbor is in no sense "bottled up" by private interests, as all who know the facts will agree. Below this point the harbor is crowded and more or less congested. On the proposed extension are many large industrial plants, and the revenues paid to the Government by the industries referred to on this particular part of the river are in excess of \$6,000,000 per annum. The total cost of the proposed extension is only \$190,000. Nowhere else in the whole country can a more meritorious project be found. The total water-borne commerce on this proposed extension was over 233,000 tons. I will not undertake to give a list of the industries at this time, because that is all in the House Document 261, to which I have referred, and in the hearings on this subject, held by the committee when they so carefully considered all the items that went into the bill. I may add that new industries are being built on this stretch of the river and others are contemplated. This section now has barely 17 feet of water. The project when completed will give a depth of 21 feet and will prove very helpful to the enormous commerce to be facilitated. The amount of investments in plants and equipment on this extension of the harbor will run into many millions of dollars in value.

To quote from the hearings before the House committee (p. 24):

The chief industries on the proposed extension are as follows:

(a) The Savannah Warehouse & Compress Co., located opposite Kings Island, which handles a considerable tonnage of cotton.

(b) The Savannah Sugar Refining Corporation, about 2 miles above the foot of Kings Island. This concern received in 1923, 180,000 tons of raw sugar in 41 vessels, and its tonnage has materially increased since.

(c) The Savannah Creosoting Co., just above the sugar company, which intends to receive and ship a portion of its raw material and products by water, and has already two tankers loaded with creosote oil.

(d) The Savannah River Lumber Co., which has a mill about 3 miles above the foot of Kings Island, receives logs from upriver points, and plans to ship its products by water when sufficient depth is available.

(e) The Atlantic Paper & Pulp Corporation, which has not been in operation for several years on account of litigation over its ownership, but which may resume operations and undertake water shipments.

(f) The Savannah Steel Corporation, which claims that when its plans are consummated it will ship by water up to 100 tons of steel products a day to coastwise and South American points.

#### COMMERCE DEVELOPED

The commerce of this stretch of river in 1924 consisted of 167,000 tons of sugar, 54,000 tons of cotton, and 12,000 tons of creosote oil, a total of 233,000 tons, the largest amount on record in the past five years. These figures are in addition to 93,000 tons pertaining to the light-draft commerce of the upper river and to the operation of sand dredges.

Ocean-going vessels can not at the present time reach this stretch of the harbor upon which these large industries producing this enormous commerce are located, for the reason that there is only about 17 feet of water at that point. The success of these great industries—the Savannah Sugar Refining Corporation alone paying the United States over \$6,000,000 per annum in revenues—depends to a large extent upon their ability to receive and ship commodities in ocean-going vessels.

The commercial and industrial growth of the port of Savannah, as stated in the report of the Engineers, has led to the development of these great industries above the city on the water front. This commerce is of a character that is general in its nature and by no means local to the Savannah Harbor. Shipments are made to and from these industries to points all over the United States, as well as foreign and coastwise by water. Development at this particular point of the harbor is being retarded on account of the lack of depth of water, but despite the handicap, this enormous commerce has developed on shallow water at this point in the last few years.

Private parties have done considerable dredging in this stretch of the harbor at their own expense in the last few years.

It will be seen from the report that the Savannah Harbor has all of the terminal and transfer facilities necessary for a great port, which can be found on page 8 of the document concerning this project.

With further reference to the commerce, I refer you to House Document 261, page 8, as this document gives the location of the industries and also gives some idea of the enormous revenues the Government is receiving from the industries located on this stretch of the harbor. You will also see from the report contained in that document, on page 10, the number of vessels using this particular stretch of the harbor under great disadvantage. It is estimated that with the improvement this large refinery will be able to save from 5 to 7 cents per hundred

on their product, and that the amount of commerce on this stretch of the harbor will be materially increased.

I call your attention to page 11 of House Document 261, as to the item of \$8,000 a year that is being paid at the present time in expense for switching, wharfage, and handling of refined-sugar exports. If this improvement is made, this can be saved. It is necessary now, with the present depth of the water, that refined sugar for export be transferred by railroad cars to loading berths in Savannah at a point farther down the harbor.

The question of insurance on the vessels using this stretch of harbor enters into the equation, and it is estimated that the total saving in lighterage and insurance will amount to approximately \$42,000 per year if this improvement is effected. These figures apply alone to the Sugar Refining Corporation. Then there are the other industries to be taken into consideration, which are shown in House Document 261, pages 12, 13, and 14.

#### SAVING IN MAINTENANCE

In the House document referred to it is stated by the district engineer that another possible benefit which might accrue from this improvement is the reduction of maintenance in the deeper channels below. It is thought, as you will observe from the report on page 16, that the removal of material from the channel above the foot of Kings Island means that less material will be transported to the channels below and that the establishment of a deep regular channel will be of benefit to the maintenance of the channels below the foot of Kings Island, which in the main will possibly be considerable.

The present large commerce developed in this stretch of the harbor amply justifies the nominal expenses quoted in House Document 261. In addition to the existing commerce, there are prospects of additional industries being established. Of course, it is desirable that the large revenues now being paid the Government from commerce on this stretch of the harbor, totaling over \$6,000,000 annually, be not only maintained but increased, and it is quite likely that this revenue will be increased when and as the improvement is made.

There are ample railroad facilities at the Savannah Harbor and ample terminals at this particular stretch of the harbor.

I refer you to page 23, House Document 261, which gives you a statement of what has been expended on Savannah's harbor and the results shown. The value of the water-borne commerce in Savannah Harbor in 1924 was \$430,000,000, as against only \$51,000,000 in 1874, which shows an increase of 740 per cent. The Federal taxes collected through the customhouse at Savannah covering a period of 10 years from June 30, 1915, to June 30, 1925, increased from \$75,770.69 in 1915 to \$6,975,501.69 in 1925, being an increase of approximately 9,106 per cent in that period of time.

For further figures on this subject, I refer you to page 23 of the House Document 261. It is estimated that at least 20,000,000 people of the United States are beneficially affected by the improvements made at the Savannah Harbor, covering a shipping territory as far west as Chicago and Detroit.

Let us turn to the modification project discussed in House Document No. 262. This it will be recalled will effect a net saving of over \$100,000 in the future upkeep of the harbor per annum.

The great and important harbors of the country must be developed and maintained, if we are faithful to our duty in representing the people and the country. The Army engineers refer to Savannah Harbor as "one of the major harbors of the country." It is in point of commerce and usefulness "one of the major harbors of the world." It would be short-sighted statesmanship that would neglect a great national asset such as the port of Savannah is. She is the premier port of the Southeast, and while in no sense boasting and in no sense trying to in any way discredit any other port, but merely to give some information that might be helpful to those who do not seem to be informed about our commerce and to correct statements that have done us a grave injustice, Savannah has more water-borne commerce than the splendid ports of Jacksonville, Brunswick, Charleston, and Wilmington combined. Each of the ports named are great in their commerce already developed and in future possibilities. They merit all the appropriations made for their improvement and I am always glad to help in any thing that benefits them, for they are great national assets and should, like Savannah, be treated fairly and properly at all times.

The figure I am giving below will give some idea of our commerce:

	Value
Vessel traffic 1925, 2,501,535 tons.....	\$527,147,409
Foreign imports, 715,617 tons.....	30,956,616
Foreign exports, 388,581 tons.....	109,764,617
Domestic:	
Receipts coastwise, 885,482 tons.....	226,218,911
Shipments coastwise, 417,271 tons.....	164,728,842

Foreign traffic was maintained during the entire calendar year 1925 between Savannah and ports of the United King-

dom and the continents of Europe and Asia, as well as Cuba, Mexico, and countries of South America. Much of the traffic with China and Japan was handled through the Panama Canal.

To anyone who will take the time to study commerce developed at Savannah it must be obvious that it is wise to improve such a port. No money spent at Savannah by the Government on the harbor has been wasted, but, to the contrary, it has shown good returns upon every dollar spent there. The port at Savannah is taking care of shipments originating in a vast area of our country, and by improving that harbor it has had beneficial effects upon freight rates for hundreds of miles in the interior. It has brought the markets of the world closer to millions of people in the southeastern part of the United States and materially helps them in marketing their produce to a much better advantage and for much better prices than they could otherwise obtain.

In conclusion let me say that I am opposed to any waste of money. I am opposed to public money being wasted on unworthy projects, whether it is on waterways or in some other way. On the other hand, I favor all worthy waterway projects. They are great national assets. They belong to the people and ought to be developed in the interest of the people. Certain it is Savannah has asked nothing and has gotten nothing except upon her merits, and in behalf of a great district and a great people I want to thank Congress for its generous recognition of our port's merits.

Appearing in the Savannah Press of February 2, 1927, is an article concerning the increase of our commerce, which is as follows:

**BUSINESS LOCAL PORT \$500,000,000 CALENDAR YEAR—BOARD OF TRADE SHOWS IMPORTANCE OF SAVANNAH'S SHIPPING**

Declaring that the port of Savannah pays to the Federal Government approximately 95 per cent of the Federal taxes collected through the customhouses at Savannah, Wilmington, Charleston, Brunswick, Fernandina, and Jacksonville, the board of trade this afternoon made an exhaustive statement in answer to adverse criticism recently appearing in the CONGRESSIONAL RECORD.

**INCREASE IN COMMERCE**

According to the board of trade's figures, which are based upon Government statistics, the value of water-borne commerce at Savannah has increased from \$51,000,000 a year to \$257,000,000 in 51 years. Last year this port paid to the Government through customs collections \$7,854,825, several times as much as is contemplated for the improvements proposed in the harbor. During the 51 years mentioned above, the Government has spent only \$16,000,000 in improving the local harbor.

The board of trade's statement follows:

**COMPARATIVE FIGURES**

The Federal Government has occupied the field of jurisdiction over navigable rivers and harbors. That jurisdiction is supreme and exclusive. The exercise of that jurisdiction carries with it correlative duties, one of the chiefest of them being the duty to see that such rivers and harbors are made adequate to the commercial needs of the people.

Every expenditure heretofore made by the Federal Government in the improvement of the harbor at Savannah has been richly justified by results. In 51 years, from 1874 to 1925, the total expenditures for improvements of the Savannah Harbor have aggregated only \$16,000,000. The value of the water-borne commerce at Savannah during that period shows an increase from \$51,000,000 plus in 1874 to \$527,000,000 plus in 1925, or approximately 933 per cent. The figures are not available to us at the moment which would show the increase from 1874 to 1926 in taxes collected by the Federal Government through the customhouse at Savannah. We do find, however, that during the 11-year period from June 30, 1915, to June 30, 1926, the taxes collected at the Savannah customhouse by the Federal Government increased from \$75,770.69 in 1915 to \$7,854,825.94 in 1926, or approximately 10,266 per cent. We further find that the Federal taxes collected at the Savannah customhouse for the year ending June 30, 1926, were approximately 95 per cent of all the Federal taxes collected through the customhouses at Wilmington, Charleston, Savannah, Brunswick, Fernandina, and Jacksonville. These statistics are compiled from the official records of the Treasury Department of the United States.

**GEOGRAPHICAL LOCATION**

The geographical location of the Savannah Harbor enables it to serve a very wide area and a very large population in the Southeast and Middle West. It is the natural gateway for products of the Middle West and the Southeast going to the west coast of South America, to the Orient, and to a large part of Europe, as well as for products moving in the reverse direction from those countries to the interior of the United States. In our domestic commerce it is not infrequently used for shipments moving from Chicago, Detroit, and other lake cities through the North Atlantic ports, thence by coastwise steamers to

Savannah, and thence by rail as far west as Utah. At least 20,000,000 people of the United States are beneficially affected by improvements in the Savannah Harbor.

**VALUE OF PORTS**

The wealth of our Nation and the future growth and prosperity of our country is in a large measure dependent upon our being able to market economically the surplus of our raw and manufactured products in all parts of the world and during all seasons of the year.

The progress and prosperity of our people and of our industries should not be measured by nor restricted to the consumptive capacity of the United States. Our facilities for production, the increasing efficiency of our labor, and the skill of our executives enable production to outstrip consumption, and, unless we develop increasing markets abroad for our products, industry will of necessity languish and the Nation suffer in consequence. No problem now confronting the Nation is so necessary to follow to a successful conclusion, none so essential to our prosperity and benefit, as the development of our international trade, nor can there be anything of greater importance in our ultimate relationship to the world at large than the development of these of our harbors which are situated so as to serve as links in a continuous system of rail and water transportation. This principle has been expressed by Congress in section 8 of the merchant marine act of 1920, as follows:

"It shall be the duty of the board, in cooperation with the Secretary of War, with the object of promoting, encouraging, and developing ports and transportation facilities in connection with water commerce over which it has jurisdiction, to investigate territorial regions and zones tributary to such ports, taking into consideration the economies of transportation by rail, water, and highway, and the natural direction of the flow of commerce."

**NATURAL GATEWAY**

The Federal Government has jurisdiction over rivers and harbors and the authority which it has and exercises carries with it certain duties and responsibilities which it has always been the policy of the Government to observe and perform. Among these duties is taking care that rivers and harbors are made reasonably adapted to the commercial needs and uses of the public.

The use of a port naturally falls into two divisions, viz, imports and exports. The port of Savannah is the natural gateway through which should pass a large portion of the articles of commerce that are imported by the twenty-odd million people embodying a large section of this country east of the Mississippi and south of the Ohio and Potomac Rivers, and is also the port through which should naturally pass a large percentage of exported articles coming from the section of the country just mentioned.

There is no doubt in the minds of economic experts and close observers that the southeastern part of the United States will see rapid and sound industrial growth in the immediate future. This territory is practically virgin for the creation of a great commercial and industrial region which will serve not only the rest of the United States but foreign countries as well.

**POSSIBILITIES**

This section, with its unlimited possibilities, coupled with labor conditions which are now far superior to those of the Eastern and Middle Western States, with transportation facilities and reduction in import and export freight rates, will put this part of the United States in a dominant position, so far as profitable manufacturing is concerned, if the industries can transport their raw material and finished products economically to all parts of the world.

The natural resources of Georgia have merely been scratched. It is a section of unlimited possibilities and is bound to be the part of the American Continent which is to see the most rapid expansion in the next quarter of a century.

The development of water-power resources in Georgia is one vital step which is making this a potential manufacturing State.

Establishment, operation, maintenance, and development of a great port-terminal system on the south Atlantic coast is most necessary to the future progress of the United States.

The port of Savannah is the natural outlet to a vast area of country and it affords the best of transportation service, being the principal port city of four of the largest trunk lines in the South and situated center of two.

**ENROLLED BILL PRESENTED TO THE PRESIDENT**

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bill:

H. R. 15011. An act granting the consent of Congress to the Paragould-Hopkins Bridge road-improvement district of Greene County, Ark., to construct a bridge across the St. Francis River.

**SENATE BILLS REFERRED**

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's

table and referred to the appropriate committees, as indicated below:

S. 109. An act for the relief of the owner of Dry Dock No. 6; to the Committee on Claims.

S. 190. An act for the relief of Samuel S. Archer; to the Committee on Claims.

S. 504. An act for the relief of Anna Faceina; to the Committee on Claims.

S. 976. An act for the relief of George B. Booker Co.; to the Committee on War Claims.

S. 1042. An act to amend the Penal Code; to the Committee on the Judiciary.

S. 1261. An act for the relief of William H. Grayson; to the Committee on Military Affairs.

S. 1483. An act to amend section 50½ and section 70 of the Articles of War; to the Committee on Military Affairs.

S. 1743. An act for the relief of Albert Wood; to the Committee on Claims.

S. 2081. An act placing certain noncommissioned officers in the first grade; to the Committee on Military Affairs.

S. 2144. An act for the relief of Tampico Marine Iron Works; to the Committee on Claims.

S. 2700. An act to amend the naval record of Frank H. Wilson, alias Henry Wencil; to the Committee on Naval Affairs.

S. 2770. An act to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto; to the Committee on Insular Affairs.

S. 3574. An act to provide for the deportation of certain alien seamen, and for other purposes; to the Committee on Immigration and Naturalization.

S. 3614. An act authorizing an appropriation for the construction of a hard-surfaced road across Fort Sill (Okla.) Military Reservation; to the Committee on Military Affairs.

S. 3624. An act authorizing the Secretary of War to obtain by reciprocal loan, sale, or exchange with foreign nations, in such quantities as are required for exhibition and study, articles of military arms, matériel, equipment, and clothing; to the Committee on Military Affairs.

S. 3774. An act to permit meetings of societies, benevolent, educational, etc., organized under the laws of the District of Columbia, to be held outside of said District; to the Committee on the District of Columbia.

S. 3954. An act for the relief of Lewis C. Hopkins & Co.; to the Committee on Claims.

S. 4027. An act to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers at Marion, Ind.; to the Committee on Public Buildings and Grounds.

S. 4316. An act to amend the act entitled "An act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service," approved October 6, 1917; to the Committee on Naval Affairs.

S. 4405. An act for the relief of Farrah Dane Richardson; to the Committee on Naval Affairs.

S. 3784. An act for the relief of the owner of barge *Consolidation Coastwise No. 10*; to the Committee on Claims.

S. 4182. An act to provide a code of law governing legal reserve life-insurance business in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 4909. An act authorizing the Secretary of Agriculture to take a census of baled cotton, known as the "carry over," on hand on August 1, 1927, and to make and publish a report thereof; to the Committee on Agriculture.

S. 4933. An act authorizing an appropriation for public highways in the island of St. Thomas, Virgin Islands; to the Committee on Insular Affairs.

S. 4943. An act for the relief of George H. Cecil; to the Committee on Claims.

S. 4967. An act authorizing William F. Notz to accept a decoration from the King of Rumania; to the Committee on Foreign Affairs.

S. 5059. An act for the further protection of fish in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 5266. An act to prohibit the sale of black bass in the District of Columbia; to the Committee on the District of Columbia.

S. 4691. An act to further amend section 90 of the national defense act of June 3, 1916, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized; to the Committee on Military Affairs.

S. 4692. An act to amend the act approved June 1, 1926 (Public, No. 318, 69th Cong.), authorizing the Secretary of War to

exchange deteriorated and unserviceable ammunition and components, and for other purposes; to the Committee on Military Affairs.

S. 4694. An act to amend section 47-d, national defense act; to the Committee on Military Affairs.

S. 4727. An act to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE, in the District of Columbia; to the Committee on the District of Columbia.

S. 4746. An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton; to the Committee on Agriculture.

S. 4812. An act amending the statutes of the United States as to procedure in the Patent Office and in the courts with regard to the granting of letters patent for inventions and with regard to interfering patents; to the Committee on Patents.

S. 4820. An act authorizing certain officers and enlisted men of the United States Navy to accept foreign decorations; to the Committee on Foreign Affairs.

S. 4863. An act authorizing the adjustment of the boundaries of the Arapaho National Forest, and for other purposes; to the Committee on Public Lands.

S. J. Res. 69. Senate joint resolution granting permission to Thomas P. Magruder, rear admiral, United States Navy, and Lyman A. Cotten, captain, United States Navy, to accept certain decorations bestowed upon them by the King of Italy; to the Committee on Foreign Affairs.

S. J. Res. 131. Senate joint resolution authorizing the making of surveys, plans, and estimates for the irrigation of certain lands in the State of Wyoming, under terms of the Colorado River compact, and for other purposes; to the Committee on Irrigation and Reclamation.

#### MARITIME WORKMEN'S COMPENSATION BILL

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to insert in the Record a reply to the letter of Mr. Furuseth, which the gentleman from Alabama inserted in the Record the other day, with relation to the maritime workman's compensation bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, a fuller expression of Mr. Furuseth's attitude on the subject of compensation for seamen can be found in the report of the hearings on H. R. 9498, serial 16, at pages 103-113. He there expresses the idea of care and cure as an essential right which the seamen could not surrender. The continuance of wages is also stressed.

The present bill as reported by the House Committee on the Judiciary on January 14 retains these provisions together with transportation, to be operative to the end of the voyage. It would seem that this provision should remove any objection of that kind, which undoubtedly had some just basis in view of the absolute dependence of the seamen on board ship on the provisions available until harbor is reached.

However, the basic contention originally made was that any compensation law enacted should be an optional grant to be availed of only when the seaman should conclude that his chances for recovery of a larger sum in an action for damages were not good. Obviously the demand that the employer should assume responsibility for injuries however caused, for which the seaman in many cases would have no claim under existing law, while also being subjected to damage suits where existing law would support a right of action, is too much of an application of the rule "Heads I win, tails you lose," to appeal to the ordinary sense of justice.

Mr. Furuseth's letter to Hon. Mr. BANKHEAD abounds in inconsistencies and unwarranted conclusions. For instance, in the fourteenth paragraph, column 2, on page 2191 he cites and complains of the definition of an injury under the act as including "an injury caused by the willful act of a third person directed against an employee because of his employment." This is actually a broadening of the scope of the act, but has no relation whatever to the unlawful use of corporal punishment by any officer of the ship, since that would be not the act of a "third person," but of the employer through his agent. In other words, the definition is a liberalization of the existing law, and transcends in liberality of construction and provision many of the State compensation acts.

It is positively stated by him that with the payment of an insurance premium "all moral responsibility and humanitarian considerations pass away." The 15 years of operation of the State compensation laws are full of evidence to the contrary of this statement. The present safety movement has developed during this period and largely as a result of compensation laws. The relationships existing between employers and workmen in

regard to the subject of safety are more cordial, cooperative, and sympathetic than at any previous time in the history of industry. The mass presentation of the actual costs of accidents, not only in money, but also in disorganization of the working force since compensation laws were enacted, have effected an understanding of the situation such as never existed until compensation reports and the studies of industrial commissioners disclosed the facts.

In connection with this suggestion of Mr. Furuseth's that difference will follow insurance, it is interesting to read an article "The relation of maritime injuries to compensation," which appeared in the *Pacific Marine Review* for November, 1926, at page 502. This article was written by Mr. Monroe C. Kidder, safety engineer, collaborating with an associate. The writer was a member of the Pacific coast committee which formulated a shipowners' bill, "now under process of review and revision," to be presented at the next session of Congress. The article concludes with a presentation of the accident studies that are being made, with a study of the data as to unsafe conditions for the purpose of finding out the real causes of accidents.

The safety committee of shipowners, in planning a program of accident prevention, is anticipating the necessity which it will encounter when a compulsory compensation law for maritime workers is enacted and seeking a solution of the problem which this law will present.

Under the old system a suit for damages was a battle of hostile parties, and quite commonly meant a permanent disruption of employment relations and even of employment opportunities. Under compensation the commission administers the law, hears the parties, and effects settlement in accordance with specific terms, thus doing away with the personal contests involving bitterness, delay, and expense.

The third incongruity is the opposition found to the non-application of the proposed law to the crews of foreign vessels. Mr. Furuseth says—

so the admiralty court of the United States will be debarred from taking any cognizance of any accident to the master or any member or members of the crew of a foreign vessel.

How this can be true is hard to deduce from the provision just quoted by him to the effect that "this act shall not apply" to foreign crews. In other words, the bill, if passed, would leave the crews of foreign vessels unaffected and subject to the exact provisions of the existing law.

A charge is made that "the bill is shot through with conditions which are impossible for the seamen at all times to obey," though no such provision is cited. Anyone reading this paragraph—tenth paragraph, column 1, page 2192—would be justified in supposing that admiralty courts exercise a sort of volunteer guardianship, going to and fro to investigate and adjudicate matters that it might discover in its search. Certainly a commission with deputies available in the various ports devoted to the single subject of seamen's compensation would be much more accessible to complaints and likely to take up the ramifications of the problems involved in injury cases than a court would which was occupied with a wide range of subjects coming before it.

One of Mr. Furuseth's complaints against the laws of the United States as set forth in his presentation to the committee was the limited liability of shipowners. He should be delighted to realize that this limited liability would not exist if the bill under consideration should become law. (See sec. 49.) It seems most unfortunate that violent misconceptions and misconstructions should stand in the way of the acceptance of the measure, the nature of which, by practically universal experience, has proved to be beneficial to the workmen. No State has returned to the liability doctrine after having tried compensation, and every State in the Union with the exception of five of slow industrial development now have laws of this sort.

I append the following communication from a distinguished outside critic:

COMMENTS ON A LETTER DATED JANUARY 20, 1927, FROM ANDREW FURUSETH, ADDRESSED TO HON. WILLIAM B. BANKHEAD, M. C.

(References are to S. 3170, reported by the House Judiciary Committee on January 14, 1927, Union Calendar No. 644)

1. Mr. Furuseth states that under the definition of "injury" (p. 49, lines 1-7), the effect of the phrase "and includes an injury caused by the willful act of a third person directed against an employee because of his employment" would be to "provide compensation for torts and would repeal the right of a seaman to sue . . . for corporal punishment, as defined in section 4611 of the Revised Statutes . . ."

Answer. Mr. Furuseth is mistaken. Section 34, pages 91-93, specifically provides that if an employee receives an injury for which a third person is liable, he may elect to sue such third person for damages. Moreover, if the employee in such suit collects a sum less than

the amount of compensation provided by the act, the employer is required to make up the difference. (Subd. (f), p. 93.)

2. Mr. Furuseth states that "under the legislation the Protective & Indemnity Insurance Co. will provide for a definite premium of insurance . . . and all moral responsibility and humanitarian considerations pass away. . . . It is the direct moral and financial responsibility that will prevent torts and injuries . . ."

Answer. It is difficult to see how the moral responsibility of a master or vessel owner is altered by this legislation. In respect to financial responsibility, Mr. Furuseth overlooks the factor of "experience rating" in the fixing of the insurance premium. If a shipowner has a bad accident record, his insurance premium will be increased. If the accident record is good, the premium will be reduced. The financial urge upon the shipowner to reduce accidents is still present. Moreover, in regard to torts, a master or mate, for example, is still liable for damages if the seaman chooses to sue him, as explained in No. 1 above.

3. Mr. Furuseth states that "this bill is in the interests of foreign shipping companies and directly against the interests of the United States . . . because . . . 'this act shall not apply to employment as master or member of the crew of a foreign vessel.' So the Admiralty Court of the United States will be debarred from taking cognizance of any accident to the master or any member of the crew of a foreign vessel, although the accident happens in a harbor of the United States and subject to its jurisdiction."

Answer. A foreign vessel is exempted from the bill for constitutional reasons, and by that very exemption the status of a foreign vessel would remain the same. There is nothing in this bill which alters the jurisdiction of the admiralty courts over a foreign vessel. Mr. Furuseth's argument is not clear.

4. Mr. Furuseth states that "a seaman . . . may maintain an action . . . for damages . . . if the employer fails to secure compensation and if the employer 'fails to provide maintenance and cure.' Yet on pages 87 and 88 such rights are contingent upon action to be taken by the commission."

Answer. Pages 87 and 88 (sec. 30) provide that a report of an injury or death be given by the employer to the commission within 10 days: *Provided*, "That if the commission shall conclude that the enforcement of any of the provisions of this act relating to time limits would work an injustice with respect to injuries or death which are sustained on the high seas or in foreign ports, the commission shall have the power to waive such provisions and make such rules and regulations with respect to the sending of notices and reports as it may deem just." Obviously "the action to be taken by the commission" refers solely to the sending of notices and reports and does not affect in any way the right of the seamen to sue if the employer fails to secure compensation or provide maintenance and cure.

5. Mr. Furuseth states "seamen have been held to be wards of admiralty, and admiralty courts could take jurisdiction over the vessels and seamen of any nation that came within its jurisdiction. . . . It is possible for the courts sitting in admiralty to investigate and adjudicate any question which the court deems of sufficient importance to need adjudication. It is true that some of the treaties which the United States abrogated as the result of the passing of the seamen's act in some measure at least abrogated this right with reference to some nations, but by the abrogation of those treaties the United States reassumed jurisdiction over vessels within its jurisdiction, and as I read this bill that is by this bill again surrendered."

Answer. The jurisdiction of the United States over vessels within its jurisdiction is not surrendered. The commission is substituted for the admiralty court (although an order of the commission is subject to review by the court, sec. 21, pp. 80-82), except in regard to the employments listed in section 3, page 52, lines 11-19. Employment as master or member of the crew of a foreign vessel is one of those listed and not subject to this act. But this exemption from the terms of the act does not alter in any way the jurisdiction of the United States over foreign vessels.

#### THE RECORD

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to make an inquiry concerning the RECORD. Yesterday there was read to the House from the Clerk's desk a letter from the gentleman from New York [Mr. MILLS] advising, as I recollect, that there was being transmitted therewith a copy of a letter which he had addressed to the Governor of the State of New York, being his resignation as a Member of the House. That proceeding does not appear in the RECORD. I presume the Chair has some knowledge of the reasons why it did not appear?

The SPEAKER. The Chair will be glad to relate the circumstances. The Chair laid before the House just before adjournment a letter from the gentleman from New York [Mr. MILLS] inclosing a copy of a letter which he had just addressed to the Governor of New York announcing his resignation as a Member of this House. Subsequently, just after adjournment, a gentleman came to the office of the Speaker with the statement that the gentleman from New York had decided to withhold his resignation for some time and had telegraphed, as the

Chair understood, to the Governor of New York, stating that he did not desire to present his resignation at this time, and requested the Chair to withhold his original letter from the Record. In view of the fact that the gentleman from New York intends to withhold his resignation as a Member of this House and has not been sworn in as Undersecretary of the Treasury, his letter being simply a statement of the fact that he was about to transmit a letter of resignation on which the House was not compelled to take any action whatever, the Chair assumed that there would be no objection to leaving out of the Record the fact that his letter had been sent. Of course, if any gentleman should make any objection to that course or should request that the letter be printed in the Record, under all the circumstances the Chair would be glad to have that done.

Mr. GARNER of Texas. Mr. Speaker, in the interest of the integrity not only of the Record but of the Journal of the House of Representatives, I think that letter and the letter to the Governor of New York ought to appear in the Record. If no withdrawal of the resignation had occurred upon the part of the gentleman from New York, that letter would have been sufficient for the Clerk, in the organization of the House, to have known that Mr. MILLS was no longer a Member of the House of Representatives, and in that connection, Mr. Speaker, I ask unanimous consent to speak for 10 minutes on the subject of this particular resignation.

The SPEAKER. The gentleman from Texas asks unanimous consent to speak for 10 minutes. If the House will indulge the Chair for a moment, in advance of that, he would state that ordinarily the resignation of a Member of the House is presented to the governor of the State, but in this case the only communication was a recital of the fact that a letter of resignation was in course of transmission to the Governor of the State of New York.

Mr. CHINDBLOM. As a matter of fact, Mr. Speaker, resignations from this House are not addressed to this House, but are addressed to the executive authority of the State, and the only purpose of the communication to the House is to give the House information for such purposes as may serve the House. In this case, the resignation not having gone into effect, the gentleman from New York might have been deprived of some of his privileges here if the announcement had remained that he had in effect resigned.

The SPEAKER. The letter from the gentleman from New York simply notifies the Speaker of the House that his resignation was in course of transmission. It had not been accepted. Of course, the ordinary procedure, as the Chair recollects, is, when a Member resigns, to tender his resignation to the governor of the State, and when the resignation is accepted, he notifies the House to that effect. Then the House is officially notified of the resignation. In this particular case the House was not notified because the resignation was not accepted.

Mr. CHINDBLOM. And further, in this case the resignation was to take effect in future, at a subsequent date to the date of the letter, and the Speaker had been notified that this would be a resignation to take effect at some future date.

The SPEAKER. Is there objection to the request of the gentleman from Texas that he be permitted to proceed for 10 minutes? [After a pause.] The Chair hears none.

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, I take this opportunity to say a word concerning OGDEN MILLS's service in the House of Representatives. I did not have opportunity at the time we knew he was going to leave the House and some Members discussed it. Mr. Speaker, I believe I speak the sentiments of the membership on both sides of this Chamber when I say that we recognize that Mr. MILLS was one of the ablest men who has been a Member of this body during his term. [Applause.] He has undoubtedly been among the first if not the outstanding figure in taxation matters during his service on the Ways and Means Committee, and the membership of that committee fully realize it, and I think his knowledge and his ability to present economic matters to the House has been realized on both sides of the House. I am sure there is no objection to Mr. MILLS continuing as a Member of the House of Representatives. I really wish he could continue as a Member. I think he more ideally represents and has a better knowledge of a class of people in this country that are potential politically than any other man who has been here during my time. I think this instance here illustrates it very conclusively. We have the gentleman from New York appointed as Undersecretary of the Treasury. We have his name sent to the Senate in the morning and confirmed in the afternoon. We find on the same afternoon—and his purpose was to take the oath to-day, I might say—that he visits the White House, that the President and he have an interview, and that he wires the Governor of New York withdrawing his resignation as a Member of Congress for the time

being. I do not know at the present moment for how long. Now, I am just wondering how that came about. I think it would be a legitimate thought connected with this matter why the President of the United States appointed Mr. MILLS as Undersecretary in the morning, had him confirmed in the evening, and then about 5 o'clock had him withdraw his resignation as a Member of the House of Representatives in order that he might continue here. I could imagine the conversation that occurred between OGDEN MILLS and President Coolidge. I can imagine President Coolidge saying, "My dear sir, I did not think you would get out so quickly. I fully realize the fact that you more nearly typify my views and administration policy than any other Member of the House; in fact, I realize there is not another Member on our side with capacity to present those views, and I desire you to withdraw your resignation for the time being."

The SPEAKER. Does the gentleman from Texas insist that the matter be noted in the Record and Journal?

Mr. GARNER of Texas. I can not see how it could be any other way. I do not see how it is possible to come to any other conclusion than that the President of the United States concluded that OGDEN MILLS is the only man who has sufficient capacity to present his viewpoint to the House of Representatives. I do not know whether it is especially on the McNary-Haugen bill or whether it is on the liquor bill or some other bill; but evidently it was for some such reason that the President of the United States called on OGDEN MILLS to recall his resignation.

Why did he do it? I will yield time to any Republican here to answer it if he can. I can not come to any other conclusion, and the country can not come to any other conclusion, than that the President of the United States has no confidence in the organization of the House on that side to speak for him, and he thinks that OGDEN MILLS can serve in the Treasury Department in the forenoon and in the House of Representatives in the afternoon.

If this man who typifies his administration—and it is no discourtesy to Mr. MILLS to say that he does typify it, and knows more about big business than any other man on the floor of this House, and inasmuch as the paramount interest in the mind of the President is that of big business—he is loath to lose the service of Mr. MILLS on such matters as the liquor bill and a few other matters of similar type.

Mr. Speaker, I do not fancy, neither do I believe that this House fancies, the idea of playing with him. I do not believe that it is Mr. MILLS's fancy that he should be played with, as the President undertakes to play with him in this instance. I believe that the position of Undersecretary of the Treasury is vacant, and there is nobody else to fill it. I hope, and I have every reason to believe, that in the execution of his duties here Mr. MILLS will conduct himself in the future as he has done in the past, and be very circumspect in regard to questions coming from the Treasury Department. And I hope he will be, because the fact is I have come to have quite an affection for OGDEN MILLS since I have served with him.

I think in the interest of the integrity of the Record, as well as of the Journal, this matter should appear in the Record and the Journal. I have no suggestion to make as to that action, because I speak without having any authority, but without having looked into the precedents I imagine that Mr. MILLS's withdrawal leaves the situation in statu quo.

Mr. TILSON. Mr. Speaker, will the gentleman yield there?

Mr. GARNER of Texas. Yes.

Mr. TILSON. What does the Journal have to do with it?

Mr. GARNER of Texas. The Journal might show that Mr. MILLS is no longer a Member of this House.

Mr. TILSON. The Journal could not show that, because such is not the fact.

Mr. GARNER of Texas. Suppose the Journal to-morrow morning showed that he had been sworn in as a Member of the House of Representatives. Do you think that would not show it? Suppose he was sworn in to-day as Undersecretary of the Treasury. Would you longer call his name?

Mr. TILSON. Of course not, because he would then cease to be a Member, but he has not been sworn in. He has simply transmitted a letter indicating to the Speaker of the House that he has transmitted a letter to the Governor of New York. Before that letter was received he had changed his mind and so informed the Speaker.

Mr. GARNER of Texas. Would there be any objection to it appearing in the Record?

Mr. TILSON. I do not think there will be any objection.

Mr. TINCHER. I suppose putting everything in the Record that tends to strengthen the integrity of the Record would include the putting in of the speech of Mr. GARNER? [Laughter.]

Mr. GARNER of Texas. I have no doubt the gentleman appreciates it and wants it preserved in the Record.

Mr. CHINDBLOM. Mr. Speaker, in connection with the request of the gentleman from Texas, that the Record be changed to show the submission of this document by Mr. MILLS yesterday in both the Record and in the Journal, I ask unanimous consent that both the Record and the Journal may show that on yesterday Mr. MILLS requested the withdrawal of his communication and advised the Speaker that he had also withdrawn his resignation which had been sent to the Governor of the State of New York, in order that the Journal may not show that he has resigned and leave the inference that he is no longer a Member of the House.

Mr. GARNER of Texas. I have no objection to that.

Mr. TILSON. Because the facts are otherwise.

Mr. GARNER of Texas. All I desire to have the Record show are the facts as they are, and I surely have no objection to that fact being stated and appearing in the Record and the Journal.

Mr. TILSON. If the Journal shows that he has ceased to be a Member of the House, the Journal shows something inaccurate and should be corrected, because he has not ceased to be a Member of the House.

Mr. GARNER of Texas. All I am concerned about is having the Record reflect the facts as they exist. That is all.

Mr. CHINDBLOM. For myself I want to say that I rather think the matter was somewhat in the control of the gentleman from New York himself, inasmuch as his resignation was not effective and there was a communication sent to the Speaker requesting him to withdraw his letter before the Journal and the Record had been printed.

The SPEAKER. The Chair did not understand the request of the gentleman from Illinois.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that both the Journal and the Record may show that on yesterday the gentleman from New York [Mr. MILLS] informed the Speaker that he had withdrawn his resignation, which he had intended to submit to the governor of his State, and that he requested that his communication to the House be withdrawn from the House.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object—I do not want to get into this controversy and I have no desire in the world to do anything to complicate it or embarrass the situation—I would venture to suggest that it does not seem to me it is proper to have that request granted, for this reason, that it was not something which occurred in the House. The letter from Mr. MILLS was, of course, read from the desk. Privately, Mr. MILLS advised the Speaker that he had withdrawn his resignation.

The SPEAKER. And that was after adjournment.

Mr. GARRETT of Tennessee. Now the query is: Can you have your Journal show what occurred outside of the House at a private conference with the Speaker?

Mr. CHINDBLOM. With the unanimous consent of the House the Journal certainly can show the facts.

Mr. GARRETT of Tennessee. But ought the House to grant unanimous consent to show an act which did not take place in the House? I hope the gentleman gets my point. Certainly I am not trying to embarrass anybody about this matter, but I do question whether the Journal of any legislative body on earth ought to show or ever has been made to show something that occurred outside of that body.

Mr. CHINDBLOM. Suppose a communication were at hand from Mr. MILLS stating the facts, which we know to be the facts, would the gentleman object to the Journal showing that such a communication had been received?

Mr. GARRETT of Tennessee. Not at all; if presented in the House itself. I am objecting to anything going in the Journal of the House which did not occur. The gentleman is asking consent that the Journal of yesterday may show a transaction which occurred in the Speaker's private office.

Mr. CHINDBLOM. I will say to the gentleman that the gentleman from New York [Mr. MILLS] advised me personally yesterday afternoon of the facts which I am now stating and of the facts which the Speaker has said he communicated to him.

Mr. GARRETT of Tennessee. I do not question the veracity of any statement he has ever made. I am raising the question of the propriety of having put into the Journal of the House something that occurred in the Speaker's private room.

Mr. CHINDBLOM. And I am raising the propriety of permitting the Journal to show the resignation of the gentleman from New York when every Member of the House knows he has not, in fact, resigned; and the opportunity is given the House by granting this unanimous-consent request to have the Journal speak the truth.

Mr. GARNER of Texas. Will the gentleman permit a suggestion in that connection? In order that the Journal may show the actual facts, as suggested by the gentleman from Illinois, may I suggest to him that he have a statement in writing from Mr. MILLS read from the desk to-morrow, which will then go into the Journal, showing the exact status of the matter. What the gentleman from Tennessee is objecting to—and it seems to me it is entirely proper—is that in good logic you can not have the Journal show a transaction that did not occur in the House of Representatives. This information was conveyed to the Speaker after the House adjourned. It seems to me it would subject the House to ridicule if the Journal showed something that happened outside of the House of Representatives.

The SPEAKER. It occurs to the Chair that if the letter appears in the Journal in connection with the debate this afternoon, which will appear in the Record, this would afford entire information as to the transaction and would be historically accurate, and the Chair would then direct that the letter appear in the Journal and also in the Record in connection with the debate that has been held.

Mr. CHINDBLOM. But, Mr. Speaker, the Journal will not show the debate. The Journal will show none of these other matters which have appeared in the discussion unless something be done in the way I have suggested.

Mr. GARNER of Texas. Mr. Speaker, my colleague the gentleman from Tennessee [Mr. GARRETT] suggests that in his opinion the letter ought not to go in the Journal. I am perfectly willing for it to go in the Record. All I want is for the Record to reflect the facts as they occurred.

Mr. CHINDBLOM. I am content with that. If the communication of the gentleman from New York does not go into the Journal, then I am content, because the proceedings here in the House now would clearly reflect the situation.

Mr. GARRETT of Tennessee. I mean the letter of the gentleman from New York [Mr. MILLS] to the Governor of New York, which was the actual resignation. As I have suggested to the gentleman from Texas [Mr. GARNER], I do not think that should go into the Journal, because it was not read on the floor of the House. The letter to the Speaker advising there was such a letter was read, but the letter addressed to the governor, which I assume accompanied it, or a copy of it, was not read to the House.

Mr. CHINDBLOM. I assume the communication will not go into the Journal, but only—

Mr. GARNER of Texas. The letter from Mr. MILLS to the Speaker and the letter of Mr. MILLS to the governor will go into the Record.

The SPEAKER. The Chair will, then, direct that the letters be inserted in the Record.

The letters referred to follow:

FEBRUARY 2, 1927.

HON. NICHOLAS LONGWORTH,

*House of Representatives, Washington, D. C.*

MY DEAR MR. SPEAKER: I inclose herewith a copy of a letter to the Governor of the State of New York tendering my resignation as a Representative in Congress from the seventeenth New York district.

Very sincerely yours,

OGDEN L. MILLS.

FEBRUARY 2, 1927.

HON. ALFRED E. SMITH,

*Executive Chamber, Albany, N. Y.*

MY DEAR SIR: I hereby tender my resignation as Representative in Congress from the seventeenth district of New York, to take effect at noon on Thursday, February 2, 1927.

I shall very much appreciate it if you will do me the courtesy of sending your acceptance by wire, addressed to me collect, House of Representatives, Washington, D. C.

Very truly yours,

OGDEN L. MILLS.

#### AMENDMENT OF TARIFF ACT OF 1922

Mr. GREEN of Iowa, from the Committee on Ways and Means, by direction of that committee, presented a privileged report on the bill (H. R. 16885) to amend section 563 of the tariff act of 1922, which, with the accompanying papers, was referred to the Committee of the Whole House on the state of the Union and ordered printed.

#### ADJOURNMENT

Mr. FUNK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Friday, February 4, 1927, at 12 o'clock noon.

## COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 4, 1927, as reported to the floor leader by clerks of the several committees:

## COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

## COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act, as amended, to provide for the stabilization of the price level for commodities in general (H. R. 7895).

## COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

To authorize the Secretary of Agriculture to establish grades and standards for farm products, and for other purposes (H. R. 16117).

## COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

The subcommittee making a survey of the District government will investigate conditions at St. Elizabeths Hospital.

## COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

To clarify and amend existing laws relating to the powers and duties of the auditor for the Philippine Islands, and for other purposes (H. R. 16868).

## COMMITTEE ON THE POST OFFICE AND POST ROADS

(10.30 a. m.)

To declare the future policy of the Post Office establishment of the United States (H. R. 13474).

## COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives (H. R. 9009).

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

930. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Department of Commerce for the fiscal year ending June 30, 1927, amounting to \$61,000 (H. Doc. No. 681); to the Committee on Appropriations and ordered to be printed.

931. A communication from the President of the United States, transmitting supplemental estimates for the Navy Department for the fiscal year ending June 30, 1927, consisting of 12 items amounting to \$2,942,542.55 (H. Doc. No. 682); to the Committee on Appropriations and ordered to be printed.

932. A letter from the American Academy of Arts and Letters, transmitting the annual report of the American Academy of Arts and Letters for 1926; to the Committee on the Library.

933. A letter from the Secretary of the Navy, transmitting a copy of a letter of the Bureau of Engineering dated December 17, 1926, in which authority is requested for the disposition of certain useless papers; to the Committee on Disposition of Useless Executive Papers.

934. A letter from the Secretary of the Navy, transmitting a proposed draft of a bill to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty; to the Committee on Naval Affairs.

935. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination of Yeopim River, Chowan County, N. C.; to the Committee on Rivers and Harbors.

936. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year 1927 for the Department of Labor, for two refunds in the sum of \$500 each, of amounts covered by cashier's checks Nos. 15823 and 15824 of the First State Bank & Trust Co., of Laredo, Tex., deposited as security on two bonds that two aliens, Peter Koklagin and Sergei Chacotcin, respectively, natives of Russia, would depart from the United States within six months of the date of their admission as visitors for business or pleasure (H. Doc. No. 683); to the Committee on Appropriations and ordered to be printed.

937. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of South Jamesport Harbor, N. Y.; to the Committee on Rivers and Harbors.

938. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Spring River, Ark.; to the Committee on Rivers and Harbors.

939. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Sacramento River and tributaries, Calif., with a view to protecting the navigable channel of the Sacramento River from deposits from the melting glaciers of Mount Shasta; to the Committee on Rivers and Harbors.

940. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, in regard to certain corrections which it is desired to make in connection with House Document No. 467, Sixty-ninth Congress, first session; to the Committee on Rivers and Harbors.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FOSS: Committee on the Post Office and Post Roads. H. R. 14701. A bill to extend collect-on-delivery service and limits of indemnity to third and fourth class domestic parcels on which the first-class rate of postage is paid; without amendment (Rept. No. 1947). Referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS: Committee on the Post Office and Post Roads. H. R. 14703. A bill to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels; without amendment (Rept. No. 1948). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. S. 722. An act to authorize the selection of certain publicly owned lands by the State of Oregon; without amendment (Rept. No. 1949). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. 4910. An act granting certain lands to the State of New Mexico for the use and benefits of New Mexico College of Agriculture and Mechanic Arts, for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants; without amendment (Rept. No. 1950). Referred to the Committee of the Whole House on the state of the Union.

Mr. VAILE: Committee on Foreign Affairs. H. J. Res. 345. A joint resolution amending the act of May 13, 1924, entitled "An act providing a study regarding the equitable use of the waters of the Rio Grande," etc.; with amendment (Rept. No. 1951). Referred to the Committee of the Whole House on the state of the Union.

Mr. HICKEY: Committee on the Judiciary. H. R. 16619. A bill to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs," approved March 3, 1901; without amendment (Rept. No. 1952). Referred to the House Calendar.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. H. R. 12708. A bill for the hospitalization of persons discharged from the United States Navy or Marine Corps who have contracted tuberculosis in the line of duty while in the naval service; without amendment (Rept. No. 1957). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPDIKE: Committee on Naval Affairs. H. R. 14251. A bill to provide additional pay for enlisted men of the United States Navy assigned to duty on submarine vessels of the Navy; with amendment (Rept. No. 1958). Referred to the Committee of the Whole House on the state of the Union.

Mr. GAMBRILL: Committee on Naval Affairs. H. R. 15131. A bill to authorize the Secretary of the Navy to modify agreements heretofore made for the settlement of certain claims in favor of the United States; with amendment (Rept. No. 1959). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 15212. A bill to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a naval reserve and a Marine Corps reserve"; with amendment (Rept. No. 1960). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 16284. A bill to authorize the Secretary of the Navy to dispose of the former naval radio station, Marshfield, Oreg.; without amendment (Rept. No. 1961). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 16580. A bill to authorize the Secretary of the Navy to declare the naval dispensary at the United States Naval Station, Guan-

tanamo, Cuba, to be a naval hospital, and for other purposes; without amendment (Rept. No. 1962). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 14241. A bill to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers; without amendment (Rept. No. 1963). Referred to the House Calendar.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 16577. A bill to provide for date of precedence of certain officers of the staff corps of the Navy; without amendment (Rept. No. 1964). Referred to the House Calendar.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. S. J. Res. 82. A joint resolution to amend subdivision A of section 4 of the immigration act of 1924; with amendment (Rept. No. 1965). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 10976. A bill to amend the act entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," approved May 30, 1908, as amended, and for other purposes; with amendment (Rept. No. 1966). Referred to the Committee of the Whole House on the state of the Union.

Mr. MONTGOMERY: Committee on Indian Affairs. H. R. 16074. A bill to amend section 2 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'"; without amendment (Rept. No. 1967). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS: Committee on Indian Affairs. H. R. 16207. A bill to authorize an appropriation to enable the Secretary of the Interior to provide an adequate water supply for the Sequoyah Orphan Training School near Tahlequah, Cherokee County, Okla.; without amendment (Rept. No. 1968). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16217. A bill to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; with amendment (Rept. No. 1969). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16840. A bill to authorize the Secretary of the Interior to expend certain Indian tribal funds for industrial purposes; without amendment (Rept. No. 1970). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16845. A bill to amend section 1 of the act approved May 26, 1926, entitled "An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled 'An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes'"; without amendment (Rept. No. 1971). Referred to the Committee of the Whole House on the state of the Union.

Mr. LETTS: Committee on Indian Affairs. H. R. 16287. A bill for the irrigation of additional lands within the Fort Hall Indian irrigation project in Idaho; with amendment (Rept. No. 1974). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 16885. A bill to amend section 563 of the tariff act of 1922; without amendment (Rept. No. 1975). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOLVERTON: Committee on War Claims. H. R. 16500. A bill for the relief of certain officers and former officers of the Army of the United States, and for other purposes; with amendment (Rept. No. 1953). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 5415. An act for the relief of Roswell H. Bancroft; without amendment (Rept. No. 1954). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 15215. A bill for the relief of Paymaster Charles Robert O'Leary, United States Navy; with amendment (Rept. No. 1955). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 15990. A bill granting six months' pay to Maria J. McShane; with amendment (Rept. No. 1956). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16828. A bill for the relief of J. F. Nichols; with amendment (Rept. No. 1973). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16551) amending the Federal highway act; Committee on Roads discharged, and referred to the Committee on Interstate and Foreign Commerce.

A bill (H. R. 16831) granting a pension to Ida M. Cole; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GREEN of Iowa: A bill (H. R. 16910) to provide for the employment of special assistants by the Board of Tax Appeals; to the Committee on Ways and Means.

By Mr. JENKINS: A bill (H. R. 16911) to amend section 6 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. RATHBONE: A bill (H. R. 16912) to restore the house in which President Lincoln died to its former condition and appearance; to the Committee on the Library.

By Mr. BEEDY: A bill (H. R. 16913) allowing and regulating amateur boxing and sparring matches in the District of Columbia; to the Committee on the District of Columbia.

By Mr. JOHNSON of South Dakota: A bill (H. R. 16914) to provide for the decoration on Memorial Day, by the Secretary of War, of the graves of certain veterans; to the Committee on Military Affairs.

By Mr. STROTHER: A bill (H. R. 16915) granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct and maintain a bridge across the Tug Fork of Big Sandy River at Devon, Mingo County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 16916) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the services, sacrifices, and patriotism of the American women of all wars in which the United States has participated, which was the inspiration of their sons and daughters in carrying on their part of the various conflicts; to the Committee on Ways and Means.

By Mr. MAGEE of Pennsylvania: A bill (H. R. 16917) to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty; to the Committee on Naval Affairs.

By Mr. HOWARD: A bill (H. R. 16918) to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska; to the Committee on Indian Affairs.

By Mr. BYRNS: A bill (H. R. 16919) to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians; to the Committee on the Library.

By Mr. GASQUE: A bill (H. R. 16920) granting permission for the laying of pipes for the transmission of steam along the alley between lots Nos. 5 and 32 in square No. 225; to the Committee on the District of Columbia.

By Mr. SPROUL of Kansas: A bill (H. R. 16921) to amend certain portions of the national prohibition act and providing executive and judicial laws for the enforcement thereof; to the Committee on the Judiciary.

#### MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of North Dakota, urging that immediate steps be taken toward the passage of such law or laws which will make possible the early completion and perfection of the Great Lakes-St. Lawrence waterway project; to the Committee on Interstate and Foreign Commerce.

Memorial of the Legislature of the State of Minnesota, relative to the St. Lawrence waterway, and regarding legislation for the relief of certain counties in Minnesota from flood damage incident to the discharge of waters into said territory from

the Dominion of Canada; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota, memorializing the Congress of the United States to enact legislation to restore and maintain equality in agriculture; to the Committee on Agriculture.

By Mr. SINCLAIR: Memorial of the Legislature of the State of North Dakota, urging Congress to take immediate action toward the passage of such law or laws as to make possible the early completion and perfection of the Great Lakes-St. Lawrence waterway project; to the Committee on Rivers and Harbors.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 16922) granting an increase of pension to Mary E. Coultis; to the Committee on Invalid Pensions.

By Mr. BACHMANN: A bill (H. R. 16923) granting an increase of pension to Amanda Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16924) granting an increase of pension to Rebecca Neal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16925) granting an increase of pension to Emma F. L. De Moss; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 16926) granting an increase of pension to Sallie Hager; to the Committee on Pensions.

Also, a bill (H. R. 16927) granting an increase of pension to Susan J. Swigert; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16928) granting a pension to Jesse S. Trower; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 16929) granting an increase of pension to Mary E. Miller; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 16930) granting an increase of pension to Christina Figgemeier; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 16931) granting an increase of pension to Sellie Baker; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 16932) granting an increase of pension to Charles Mitchell; to the Committee on Pensions.

By Mr. MOREHEAD: A bill (H. R. 16933) granting a pension to Fannie Baker; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16934) granting an increase of pension to Manerva J. Merrill; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 16935) granting an increase of pension to Lottie A. Rice; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 16936) granting a pension to Levi S. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16937) granting a pension to Jennie A. Witham; to the Committee on Invalid Pensions.

By Mr. OLIVER of Alabama: A bill (H. R. 16938) to provide for the reinstatement of Larry Cardwell in the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. RATHBONE: A bill (H. R. 16939) granting an increase of pension to Mary A. Denison; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 16940) for the relief of Guy L. Hartman; to the Committee on Claims.

By Mr. SCHAFER: A bill (H. R. 16941) granting a pension to Emeline E. Barber; to the Committee on Invalid Pensions.

By Mr. STROTHER: A bill (H. R. 16942) granting an increase of pension to Nancy C. Vanhoose; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 16943) granting an increase of pension to Eva A. Steece; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 16944) granting an increase of pension to Mary A. Newill; to the Committee on Pensions.

By Mr. McKEOWN: Joint resolution (H. J. Res. 347) for the relief of Leah Frank, Creek Indian, new-born roll No. 294; to the Committee on Indian Affairs.

By Mr. LEAVITT: Resolution (H. Res. 407) providing compensation at the rate of \$1,308 per annum to the janitor of the Committee on Indian Affairs of the House of Representatives; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5980. Petition of the State Agricultural Society in Minneapolis, January 14, 1927, regarding the construction of the Great Lakes-St. Lawrence waterway; to the Committee on Interstate and Foreign Commerce.

5981. Petition of Adele T. Salisbury, a citizen of the city of Brooklyn, Kings County, N. Y., describing litigation attempted in the United States District Court in and for the southern district of Florida; to the Committee on the Judiciary.

5982. By Mr. BACHMANN: Petition of citizens of Marshall and Hancock Counties, W. Va., urging that immediate steps be taken to bring to a vote the Civil War pension bill, and urging support of bill by Members of Congress; to the Committee on Invalid Pensions.

5983. By Mr. BOYLAN: Petition of Mrs. Alma Arnold, that German debtors who received the benefit of loans of American citizens when mark currency was valued at about 24 cents should repay on that basis; to the Committee on Ways and Means.

5984. Also, petition of Wm. F. Scannell Chapter, No. 6, of the Disabled American Veterans of the World War, that their hospitalization in Liberty, N. Y., should not be changed; to the Committee on World War Veterans' Legislation.

5985. Also, petition of Abraham Lincoln Post, No. 4, Grand Army of the Republic, 223 Charles Building, Denver, Colo., that our Representatives in Congress give their earnest support to any pension measures that will provide a living pension to surviving Union soldiers or their widows of the Civil War; to the Committee on Invalid Pensions.

5986. By Mr. BURTNESS: Petition of 50 residents of Englewood, N. Dak., in favor of Civil War pension legislation; to the Committee on Invalid Pensions.

5987. By Mr. BURTON. Memorial of Liberty Lodge, No. 573, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, Cleveland, Ohio, opposing passage of the Aswell immigration bill (H. R. 5583); to the Committee on Immigration and Naturalization.

5988. By Mr. CANNON: Petition of A. F. Krause and 53 others, of Bland, Mo., opposing the passage of House bill 10311; to the Committee on the District of Columbia.

5989. By Mr. CARSS: Petition of Farmer-Labor Conference, St. Paul, Minn., indorsing the Wheeler-Huddleston resolution for withdrawal of American forces and marines from Nicaragua; to the Committee on Military Affairs.

5990. Also, petition of Farmer-Labor Conference in St. Paul, Minn., memorializing Congress to enact legislation restricting activities of professional speculators in food products, especially wheat; to the Committee on Agriculture.

5991. Also, petition of Farmer-Labor Conference in St. Paul, Minn., opposing the granting of perpetual charters to Federal reserve banks; to the Committee on Banking and Currency.

5992. By Mr. CROWTHER: Petition of citizens of Schenectady, N. Y., urging Civil War pension legislation; to the Committee on Invalid Pensions.

5993. By Mr. DALLINGER: Petition of two citizens of Woburn, Mass., favoring increase of pension to soldiers and sailors of the Civil War and widows of soldiers and sailors; to the Committee on Invalid Pensions.

5994. By Mr. DAVEY: Petition of 263 citizens of Summit County, Ohio, in behalf of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

5995. Also, petition of 21 citizens of Wadsworth, Ohio, in behalf of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

5996. Also, petition of 16 citizens of Kent, Ohio, in behalf of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

5997. Also, petition of 142 citizens of Lorain County, Ohio, in behalf of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

5998. By Mr. DEMPSEY: Petition of citizens of La Salle, N. Y., urging passage of the Civil War pension bill for veterans and widows of veterans; to the Committee on Invalid Pensions.

5999. By Mr. FRENCH: Petition of citizens of Potlatch, Idaho, indorsing the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6000. By Mr. GALLIVAN: Petition of the Massachusetts Jewish Committee, Abraham Wirin, executive secretary, 85 Devonshire Street, Boston, Mass., recommending amendment of the present immigration law so as to eliminate discrimination

against certain aliens; to the Committee on Immigration and Naturalization.

6001. By Mr. GARBER: Petition of the following listed patriotic societies and organizations passed at a meeting held at the McAlpin Hotel, New York City, protesting against the enactment of the Wadsworth amendment to the present immigration act as a violation of a fundamental principle of the immigration act of 1924: Washington Headquarters Association; New York State Chapter of the Daughters of Founders and Patriots of America; Daughters of America, legislative committee; Daughters of America, New Jersey Council; Eastern Division of Sons of Confederate Veterans; National Americanization Committee of the Veterans of Foreign Wars of the United States; Old Guard of New York; the State council of the Junior Order of United American Mechanics of New York; Women's Republican Association of New York; Bowery Mission of New York; New York Port Society; National Women Builders of America; Jacobus Roosevelt Chapter, Daughters of the American Revolution; Lord's Day Alliance of the United States; Immigration Restriction League (Inc.); Law and Order Union; American Defense Society; Dames of the Loyal Legion; to the Committee on Immigration and Naturalization.

6002. By Mr. GARDNER of Indiana: Petition of J. W. Benham and 41 other citizens, of Salem, Washington County, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6003. By Mr. HARDY: Petition of H. M. Mertz and 94 other residents of Pueblo, Colo., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6004. Also, petition of Edgar Howbert and 154 other residents of Colorado Springs, Colo., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6005. Also, petition of Frank P. Lutz and 14 other residents of Pueblo, Colo., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6006. Also, petition of Mrs. C. O. Morrison and 173 other residents of Trinidad, Colo., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6007. Also, petition of John Titsworth and 121 other residents of Las Animas County, Colo., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6008. Also, petition of Clarinda Dooley and 65 other residents of Timpas, Colo., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6009. Also, petition of Mr. John Krasovich and 11 other residents of Pueblo, Colo., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6010. Also, petition of Mrs. Margaret Abbey and 54 other residents of Colorado Springs, Colo., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6011. Also, petition of Mrs. Florence Cathcart and 53 other residents of Walsenburg, Colo., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6012. Also, petition of Mrs. Amelia Jane Masson and 36 other residents of Pueblo, Colo., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6013. By Mr. KELLER: Petition of J. E. Elkstrand and other citizens of St. Paul, Minn., urging the enactment of the legislation providing increased pensions for the veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

6014. By Mr. KINDRED: Petition of the Allied War Veterans of Long Island City, urging appropriation by the United States Congress of sufficient funds to provide military escort for funerals of honorably discharged soldiers, sailors, or marines; to the Committee on World War Veterans' Legislation.

6015. Also, petition of the Brooklyn Chamber of Commerce, favoring the passage of House bill 8997, Cuban parcel post bill; to the Committee on the Post Office and Post Roads.

6016. Also, resolution of William A. Leonard Post, No. 442, indorsing firing squad bill (H. R. 16283) and urging its early and favorable passage by the United States Congress; to the Committee on World War Veterans' Legislation.

6017. By Mr. LEAVITT: Petition of numerous citizens of Hardin, Mont., petitioning Congress to pass no Sunday observance legislation which would in any way give preference to one religion over another; to the Committee on the District of Columbia.

6018. Also, petition of numerous citizens of McCone and Roosevelt Counties, Mont., urging Congress to enact legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6019. By Mr. LITTLE: Petitions signed by about 150 residents of Fort Scott, Kans., urging that immediate steps be

taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6020. Also, petition signed by 20 residents of Mound City, Kans., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6021. Also, petition signed by 50 residents of Kansas City, urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6022. By Mr. McLAUGHLIN of Michigan: Petition of Mrs. Roxy Dyer and others, of Missaukee County, Mich., favoring pension legislation for the relief of veterans of the Civil War and widows of veterans of said war; to the Committee on Invalid Pensions.

6023. By Mr. MAPES: Petition of 21 citizens of Grand Rapids, Mich., advocating the enactment by Congress of additional legislation for the benefit of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6024. By Mr. MARTIN of Massachusetts: Petition of citizens of Fall River, Mass., urging early enactment of legislation increasing pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6025. By Mr. MOREHEAD: Petition of sundry citizens of the first district of Nebraska favoring increases of pensions for soldiers and sailors of the Civil War and their widows; to the Committee on Invalid Pensions.

6026. By Mr. MORGAN: Petition of citizens of Licking County, Ohio, expressing approval of bill to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6027. By Mr. MORROW: Petition of board of directors of Roswell (N. Mex.) Chamber of Commerce, indorsing Morrow-Bratton bill, granting certain lands to the New Mexico Agricultural College for experimental purposes; to the Committee on the Public Lands.

6028. By Mr. O'CONNELL of New York: Petition of the Abraham Lincoln Post, No. 4, Grand Army of the Republic, Denver, Colo., favoring increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6029. By Mr. PATTERSON: Memorial of Legislature of the State of New Jersey, passed in the form of a concurrent resolution on January 31, 1927, favoring consideration of legislation to amend the postal laws, providing for admission of disinfectants, fungicides, and insecticides through the mails under certain conditions; to the Committee on the Post Office and Post Roads.

6030. Also, petition of citizens of Camden County, N. J., favoring further increase of pension for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6031. Also, petition of citizens of Salem County, N. J., favoring further increase of pension for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6032. Also, petition of citizens of Penns Grove, N. J., urging increase of Civil War pensions for veterans and widows of veterans; to the Committee on Invalid Pensions.

6033. By Mr. ROBINSON of Iowa: Petition for the enactment of Civil War pension legislation, sent in by citizens of Dubuque, Dubuque County, Iowa; to the Committee on Invalid Pensions.

6034. By Mr. ROMJUE: Petition of Price Davis and other citizens of Scotland County, Mo., asking for increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6035. By Mr. ROWBOTTOM: Petition of J. S. Hook, Ben C. Schmidt, and others, of Evansville, Ind., favoring the passage of the Lankford Sunday rest bill; to the Committee on the District of Columbia.

6036. By Mr. STALKER: Petition signed by sundry citizens of Ithaca, Tompkins County, N. Y., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows of veterans; to the Committee on Invalid Pensions.

6037. By Mr. STRONG of Pennsylvania: Petition of citizens of Armstrong County, Pa., in favor of the Sunday rest bill for the District of Columbia (H. R. 10311); to the Committee on the District of Columbia.

6038. By Mr. TOLLEY: Petition of 65 members of the Church of the Covenant of Walton, N. Y., for an acknowledgment of the law of God in the Constitution of the United States; to the Committee on the Judiciary.

6039. By Mr. VINCENT of Michigan: Petition of residents of the eighth district of Michigan, urging the enactment of Civil War pension legislation; to the Committee on Invalid Pensions.

6040. Also, petition of residents of Cedar Lake, Mich., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6041. By Mr. WILLIAMSON: Petition of Julia Davidson, Harriet De Haan Martin Shaugreau, and sundry other citizens of Washington and Pennington Counties, S. Dak., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6042. By Mr. WYANT: Petition of Mrs. Mary E. Wright and others, of Alverton, Westmoreland County, Pa., urging enactment of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

## SENATE

FRIDAY, February 4, 1927

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. As we lisped this prayer taught at mother's knee, we now long for the time when that will be answered in the hearts and lives of earth's multitudes, and glad to do Thy will. Help each of us so to understand this obligation that we shall fulfill that heavenly purpose by being constantly active in fulfilling Thy good pleasure. Hear and help us through this day. For Jesus Christ's sake. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10728) authorizing the Secretary of War to convey to the Association Siervas de Maria, San Juan, P. R., certain property in the city of San Juan, P. R.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. HILL of Maryland, and Mr. FISHER were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15547) to authorize appropriations for construction at military posts, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. HILL of Maryland, and Mr. McSWAIN were appointed managers on the part of the House at the conference.

### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and they were thereupon signed by the Vice President:

- H. R. 2190. An act for the relief of Agnes W. Wilcox;
- H. R. 3664. An act to correct the military record of Daniel C. Darroch;
- H. R. 6384. An act to amend the acts of June 7, 1924, and March 3, 1925, granting certain public lands to the city of Phoenix, Ariz.;
- H. R. 7563. An act to amend section 4900 of the United States Revised Statutes;
- H. R. 8784. An act for the relief of Bertha M. Leville;
- H. R. 9061. An act to authorize Lieut. Commander Lucius C. Dunn, United States Navy, to accept from the King of Denmark a decoration known as a "Knight of the Order of Dannebrog";
- H. R. 9268. An act to amend the agricultural credits act of 1923;
- H. R. 9433. An act for the relief of Alexander Edward Metz;
- H. R. 10424. An act to ratify the action of a local board of sales control in respect of a contract between the United States and Max Hagedorn, of La Grange, Ga.;
- H. R. 11174. An act to amend section 8 of the act of September 1, 1916 (39 Stat. L., p. 716), and for other purposes;
- H. R. 13778. An act for the relief of certain citizens of Eagle Pass, Tex.;
- H. R. 15127. An act for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925; and
- H. R. 16023. An act relating to the transfusion of blood by members of the Military Establishment.

### CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	Lenroot	Robinson, Ind.
Bayard	George	McKellar	Sackett
Bingham	Gerry	McLean	Schall
Blease	Gillett	McMaster	Sheppard
Borah	Glass	McNary	Shipstead
Bratton	Goff	Mayfield	Shortridge
Broussard	Gooding	Means	Smith
Bruce	Greene	Metcalf	Smoot
Cameron	Hale	Moses	Steck
Capper	Harris	Neely	Stephens
Caraway	Harrison	Norbeck	Stewart
Couzens	Hawes	Norris	Trammell
Curtis	Heflin	Nye	Tyson
Dale	Howell	Oddie	Wadsworth
Deneen	Johnson	Overman	Walsh, Mass.
Dill	Jones, N. Mex.	Pepper	Walsh, Mont.
Edge	Jones, Wash.	Phipps	Warren
Ernst	Kendrick	Pine	Watson
Ferris	Keyes	Pittman	Weller
Fess	King	Reed, Pa.	Willis
Fletcher	La Follette	Robinson, Ark.	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

### CONSIDERATION OF APPROPRIATION BILLS

Mr. CURTIS. Mr. President, I desire to submit a unanimous-consent request.

I ask unanimous consent that at 5 o'clock this evening the Senate shall proceed to the consideration of House bill 16576, making appropriations for the Departments of State and Justice, and so forth, and if that is concluded that we proceed to the consideration of House bill 16249, the War Department appropriation bill, and that we consider those two measures until not later than 7 o'clock to-night.

Mr. ROBINSON of Arkansas. I have no objection to the request.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

### READING OF WASHINGTON'S FAREWELL ADDRESS

The VICE PRESIDENT. In accordance with the order of the Senate of January 24, 1901, the Chair designates the Senator from Georgia [Mr. GEORGE] to read Washington's Farewell Address on the 22d instant.

### EX OFFICIO COMMISSIONERS FOR ALASKA

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill from the Senate (S. 3928) authorizing the designation of an ex officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes, which were, on page 3, line 2, after the word "of," where it appears the first time, to insert "all"; on page 3, line 7, after the word "law," to insert "now under the direction of the Secretaries named in section 1 hereof"; and on page 3, line 10, after the word "appropriations," to insert:

*Provided, That the charge and control of all matters relating to the construction and maintenance of roads in Alaska which may now be under the jurisdiction of any other department, bureau, or agency of the Government, together with the records or transcripts thereof, the property including field and office equipment and the unexpended balances of appropriations pertaining thereto, may, with the concurrence of the Secretaries of the respective departments involved, be assigned and transferred to the board of road commissioners for Alaska, created by and in pursuance of the provisions of section 2 of the act of Congress entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by the act approved May 14, 1906.*

Mr. WILLIS. I move that the Senate concur in the amendments which have been made by the House of Representatives.

Mr. ROBINSON of Arkansas. Will the Senator from Ohio state the effect of the second amendment?

Mr. WILLIS. I will state the effect of the amendment. In the first place, the Senator will recall that this is a bill which authorizes the different departments to designate a representative of each department to have charge of the work of that department in Alaska in connection with the Governor of Alaska. The amendment provides that all matters relative to roads shall be passed first to the Roads Commission of Alaska. That is the effect of the amendment and, so far as I know, it is satisfactory.